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THE DEVELOPMENT OF POOR RELIEF IN COLONIAL NEW ENGLAND

THOSE aspects of the historical background of poor relief previously considered apply likewise to the New England colonies. The important facts to remember are those English economic and social changes of the sixteenth century which led to the excessive number of unemployed persons and in consequence the rapid increase of the idle, pauper, and criminal classes. England's efforts to solve this problem through legislation, particularly by the Statute of Artificers (1562) and the Poor Law Act (1601), have been discussed.[1] A brief account of other features of England's poor relief policies will enable us to understand better the historical background of the development of thought and practice on this subject in the New England colonies.

As early as 1349 England began to seek remedies for unemployment, vagrancy, and pauperism. By the Statute of Laborers of this date she endeavored to prevent the agricultural laborer from wandering from place to place for the purpose of seeking work and to compel him to work at fixed wages for those who needed his services. This act also forbade "valiant beggars" to ask alms and

[1] See M. W. Jernegan, "The Development of Poor Relief in Colonial Virginia," in *Social Service Review*, III (March, 1929), 1–18. This present study is a chapter from a forthcoming book by the author entitled, *Laboring and Dependent Classes in Colonial America*.

persons solicited to give alms.[1] During the next century unemployment continued to increase. Though thousands were willing to work, jobs were not available and so beggars and paupers multiplied. Instead of seeking a remedy for these evils at their source England merely labeled such persons criminals. In harmony with the prevailing theory of punishment for crime it was naïvely believed that severe penalties were cure-alls for every species of wrong doing. The act[2] of 1531, for example, declared that not money but vagrancy and idleness were

> the mother and root of all vices, whereby . . . . daily insurgeth and springeth continual thefts, murders, and other heinous offences and great enormities, to the high displeasure of God, the iniquitation and damage of the king's people, and to the marvellous disturbence of the commonwealth.

By this act impotent persons who begged without a license were to be whipped or set in the stocks for three days with nothing to eat but bread and water. If able-bodied they were to be tied to a cart's tail and whipped through the town. Scholars and students begging without a license were to be whipped on two successive days and for a second offense put in the pillory and have an ear cut off.[3] The idea that vagrants and beggars, both impotent and able-bodied, were criminals persisted for nearly a century[4] and reappeared in New England colonial legislation. No provision was made for the support of the impotent nor were agencies devised to find work for the unemployed.

The act[5] of 1536 provided that "sturdy vagabonds and valiant beggars" should be "set and kept to continual labour in such wise as they may get their own living with the continued labour of their own hands." But with a large surplus of labor this worthy idea was impossible of execution. Moreover, as in the previous act, no agencies were provided for finding jobs for those out of work. How the legislators expected to reduce the number of "valiant" beggars by this law is a mystery. They were evidently thinking more of protecting society from certain evils than in discovering a remedy to

[1] 23 Edw. III, c. 1, in Pickering, *Statutes at Large*, II, 26.

[2] 22 Henry VIII, c. 12. [3] *Ibid.*

[4] See 14 Eliz., c. 5 (1573); 18 Eliz., c. 3 (1577); 39 Eliz., c. 5 (1597).

[5] 27 Henry VIII, c. 25. This act also forbade private alms-giving.

remove the causes of such evils. In both of these acts the impotent poor were not differentiated from the able-bodied so far as the theory of punishment was concerned.

It was just at this time, at the beginning of the English reformation, that Henry VIII began to confiscate the property of religious foundations and to dissolve the monasteries. Thus the important agencies heretofore depended on to care for the poor were largely swept away. The monasteries, hospitals, and gilds, together with private donations had, up to this time, been the chief reliance for the support of the poor. This system, however, tended to stimulate, rather than to decrease, begging. For it was human nature for idle persons and beggars to avoid work when it was so easy to obtain food from kind-hearted religious persons. Gradually it dawned on England that a new system of poor relief was absolutely necessary.

From 1536 to 1601 there was gradually developed the policy of a general tax for the support of the poor. Voluntary contributions had for a long time been asked for by church and civil authorities. In 1563 a weekly contribution was demanded and one who "obstinately" refused might be brought before the justice of the peace who could assess such a person on penalty of imprisonment.[1] By act of 1572 the justices were empowered to levy a general tax to be administered by overseers of the poor.[2] Complaint was made that

> all parts of this realm of England and Wales be presently with rogues, vagabonds and sturdy beggars exceedingly pestered, by means whereof daily happeneth horrible murders, thefts, and other great outrages, to the high displeasure of Almighty God, and to theyre great annoyance of the Commonwealth.[3]

Three years later (1576) houses of correction or workhouses were provided for, and idle youth and other needy poor persons might be committed to these institutions and set to work with materials provided. A penalty of twenty shillings was imposed on those who aided or harbored a beggar.[4]

Finally the act of 1601 (elaborating one of 1597) incorporated the experience of a century and more of legislation and thought respect-

[1] 5 Eliz., c. 3. For the important Statute of Artificers (1562), see *Social Science Review*, III, 2–3.

[2] 14 Eliz., c. 5. [3] *Ibid.*

[4] 18 Eliz., c. 3. Both of these principles reappear in the New England poor laws.

ing poor relief. By this act[1] the poor were divided into three classes. First, the lame, impotent, old, and blind and others unable to work were to be relieved through general taxation. Secondly, the able-bodied poor, "sturdy vagabonds" and "valiant beggars," must work. Vagrants must be returned to the place where they had last dwelt for a year. Materials for work must be provided for in each parish by the justices, church wardens and appointed householders. This "stock" included flax, hemp, wool, thread, iron, and other materials. Thirdly, poor children must be bound out as apprentices.

The New England colonists were of course familiar with English experience. Their first care was to prevent persons from entering the colony or towns; those who were objectionable for either political, religious, or economic reasons; that is, in the latter case, because they might become "chargeable."[2] Thus developed the practice of scrutinizing the economic status of immigrants, strangers, and visitors with a view to preventing them from gaining a settlement, or the right of inhabitancy.

Plymouth colony made masters of vessels responsible for bringing in persons liable for charges which might arise and required them to return such persons to the place of their origin.[3] Massachusetts provided that shipmasters must deliver to the "receiver" a perfect list of passengers with their names and circumstances, and give security for those likely to become chargeable or transport them out of the province.[4] In 1722 town treasurers and selectmen were authorized to receive the lists in ports where there were no receivers.

[1] 43 Eliz., c. 2.

[2] *Rec. Co. Mass. Bay*, I (1639), 264; *Plymouth Col. Rec.*, XI (1642), 40; *Conn. Col. Recs.*, I (1650), 546; *R. I. Col. Rec.*, I (1652), 245; *New Haven Colo. Recs.*, II (1656), 610. The history of poor relief in New England has been inadequately treated. A sketch of the laws only may be found in Edward W. Capen, *Historical Development of the Poor Law of Connecticut* (New York, 1910). See also John Cummings, *Poor-Laws of Massachusetts and New York* (New York, 1895). R. W. Kelso, *History of Public Poor Relief in Massachusetts, 1620–1920* (Boston, 1922), omits a number of important aspects of poor relief and is poorly organized. For general economic and social conditions in New England see W. B. Weeden, *Economic and Social History of New England*, 2 vols. (Boston, 1890).

[3] *Plymouth Col. Recs.*, XI (1638), 108. Compare *R. I. Acts and Laws*, 1636–1705, p. 53.

[4] *Mass. Acts and Resolves*, 1700–1701, c. 23.

The intent of this act was stated two years later; "to prevent the importation of poor, vicious and infirm persons."[1] Masters of vessels were required to give bond so that no passenger would become chargeable for five years.[2] The Boston selectmen's records (1736–42) give numerous instances of shipmasters giving bonds for landing Irish passengers "to save the town harmless from all charges."[3]

Besides shipmasters, others responsible for receiving or bringing into a colony those likely to become paupers must "discharge the town." Those coming from England or elsewhere who were likely to be chargeable, "by reason of impotency, disease, or otherwise," or who brought a servant, "which by God's providence shall fall diseased, lame, or impotent by the way or after they come here," must free the town or maintain such person at their own expense.[4]

A person who succeeded in entering a New England town did not immediately become an inhabitant. Rather he was put on probation for three months to a year during which period he was a non-inhabitant. If he became chargeable before gaining a residence, then the burden of support fell upon the person responsible for his entrance.[5] Under the Massachusetts act of 1655 towns were granted the right to determine what persons should come into the town and votes in town meeting show that they acted accordingly.[6] In case

[1] *Ibid.*, 1722–23, c. 5. *Ibid.*, II (1724), 336–37.

[2] *Ibid.*, VI, 336. In 1756 shipmasters were forbidden to land sick and infirm persons unless security was given (*ibid.*, 1756, c. 4).

[3] *Boston Selectmen's Recs.*, 1736–42, p. 10 (bond for 37 Irish passengers). See also pp. 12, 54, 79, 81, 148, 181. In 1742 a captain was prosecuted who had failed to report certain immigrants (*ibid.*, p. 367). In 1743 another captain was ordered prosecuted because he had not given bond for a "chargeable Irish woman" (*ibid.*, 1742–53, p. 19).

[4] *Ply. Col. Recs.*, XI, 40. Similar provisions were made by Massachusetts in 1655, because of "the very great charge arising to several towns by reason of strangers pressing in" (*Recs. Co. Mass. Bay*, III, 376).

[5] The three-months' rule applied in Plymouth, Connecticut, and Massachusetts (*Plymouth Col. Recs.*, XI (1642), 40; *Conn. Code of 1673*, p. 57; *Rec. Co. Mass. Bay*, IV, Part I [1659], 365). New Haven colony required a year's residence (*N.H. Col. Rec.*, II [1656], 610) and so did Massachusetts later (*Mass. Acts and Resolves*, I [1700], 453). Over 200 persons were named by the selectmen of Boston from 1670 to 1684 and certified to the county court as not admitted or approved as inhabitants of the town (*Tenth Rpt. Rec. Commis., Miscellaneous Papers*, pp. 55–62).

[6] *Rec. Co. Mass. Bay*, III, 376–77. Watertown, Massachusetts, voted that "no foreigner of England or some other plantation" could settle in the town without the consent of the freemen (Bond, *Hist. of Watertown*, p. 995).

of dispute between towns respecting the responsibility for the support of poor persons, the matter was decided in Massachusetts by the general court or two magistrates with "power to determine all differences about the lawfull settling of poor persons (and) to dispose of unsettled persons into such towns . . . . most fitt for their maintenance."[1]

The problem of "entertaining" persons, even for a short visit, led to the enacting of stringent laws designed to compel the entertainer to bear the burden of support if the visitor became chargeable.[2] Fines were provided varying from twenty to forty shillings a week, and even more,[3] and towns were not slow to take advantage of this method of lessening the burden of the support of the poor.[4] The very rigid system of scrutinizing strangers who came into a town made it desirable for a person to have a letter from the selectmen of his own town stating that he was an inhabitant and that the town would provide for his support if necessary.[5] A Dorchester father who entertained his own daughter, resident of Milton, a neighboring town, had to "gitt a note" from the selectmen of that town promising that they would receive her back again as an inhabitant; viz., that they would assume responsibility for her support if necessary.[6]

The interesting old English custom of "warning out" was widely practiced in New England from 1656 on, often for the purpose of avoiding the responsibility of supporting prospective paupers. It was the duty of householders to inform the selectmen if strangers came to reside with them, to enable the former to warn them out if they saw fit. The following is an order[7] sent to the selectmen

[1] *Rec. Co. Mass. Bay*, I (1639), 264; *Conn. Col. Rec.*, I (1650), 546, and *ibid.*, III, (1682), p. iii and VII (1732), 369.

[2] *Rec. Co. Mass. Bay*, I (1637), 196; *New Haven Col. Recs.*, II (1656), 610.

[3] *Conn. Col. Recs.*, III (1682), p. iii.

[4] *Boston Town Recs.*, 1634–60, p. 152 (1659). See Trumbull, *Hist. of Northampton*, I, 167; Worthington, *Hist. of Dedham*, p. 57; Brooks, *Hist. of Medford*, p. 358; Paige, *Hist. of Cambridge*, p. 40. Watertown agreed in town meeting that whoever "shall receive any person or family upon their property that may prove chargeable to the town shall maintain the said persons at their own charges (*Watertown Recs.*, pp. 1–2).

[5] *Boston Town Recs.*, VII, 149.

[6] *Recs. of Town of Dorchester* (1670), 166. See also *ibid.*, p. 163.

[7] J. H. Benton, *Warning Out in New England*, chap. i, and pp. 51, 59–60; *Hist. Collecs. Essex Inst.*, II, 86.

with the indorsement "Ezra Putnam's Letter—Warned out Isaac Peabody and wife, 1763."

To the Selectmen of Danvers

GENTLEMEN: these are to inform you that I have taken into my House Isaac Peabody and Sarah Peabody, his Wife, Molley, Sarah, Isaac, Huldah and Rachel, their Children; they came from Middleton the 22d of December, 1768; their Surcumstances very Low in the World.

EZRA PUTNAM

In Connecticut the constable or selectmen had the opportunity, for three months, to warn out those who by sickness, lameness, "or the like" needed relief.[1] If security was given the person was usually allowed to remain. From 1679 to 1700, 252 bonds were signed in Boston by persons who agreed that they would free the town of any charge of supporting intending settlers. Samuel Sewall, for example, became surety to the town for Samuel Greene, printer, and his family. A typical bond reads:

I, John Williams of Boston, Butcher, doe binde myself, to Tho. Bratle, Treasurer of Said towne, in the Some of forty pounds, That Richard Deven Shall not be Chargeable to the Towne. 29th Sept. 1679.

RICHARD DEVEN

His
JOHN×WILLIAMS
Marke

One Henry Allen signed a bond for a Mr. Armstrong and his wife but had the misfortune to be sued by the town because "the wife of the said Armstrong was a charge to the town 8 months before that time," viz., October 1, 1695.[2] Persons remaining in a town after being warned out might be fined.[3] Massachusetts provided that towns might petition the county court "by way of complaint" if poor persons remained as inhabitants after being warned out.[4] The two petitions which follow well illustrate this method of dealing with poor people. The first is from the selectmen of Marblehead (1676) to the Essex County court. It reads[5]

[1] *Conn. Code of 1673*, p. 57.

[2] *Boston Selectmen's Recs.*, 1701–15, pp. 54, 78, 122, etc. See *Tenth Rpt. Rec. Commis., Miscellaneous Papers*, pp. 63–82.

[3] *Plymouth Col. Recs.*, XI (1677), 248; *Conn. Col. Recs.*, II (1667), 66. The fine was five shillings per week for Plymouth and twenty for Connecticut.

[4] *Rec. Co. Mass. Bay*, IV, Part I (1659), 365.

[5] *Rec. and Files of Essex Co. Court*, VI (July 14, 1676), 192.

Whereas the lawes of this common wealth ordereth that every Towne shall provide for their owne poore; phillip welch of Topsfeild being reputed A very poor man and of late com with his Family into our Towne of Marble Head without Leave obtained from either Towne or selectmen, also, beeing ackcording To our towne order warned either to depart or give bond for the Townes secuitie hee refusing to doe either, wee doubte not but this honnoured court will give releeffe against this iniust intrusion.

The second is from the selectmen of Manchester (1679) complaining that Thomas Chick with his wife and three children had come into the town to settle. It reads:

But wee findeing him to be in a poare condision not haveing wherewith to suply the present nesesity of himselfe and his family neither for food nor Raiment and therefore wee canot see but in al probabillity if the said Chick shood setell in our town he will quickly be chargable to us and wee our selvs being unable to contribut to such a condision in regard of our own inabiliti and the smallnes of our town and acomadations wee therefore according to law for the prevention of such charge coming upon us have indeavered to remove the said Chick by giveing him due notic and leagall warning to remove out of our town and other wise to provide for himselfe but the said Chick have refused to take any notic of such warning saying he will not troble himselfe to remove out of the said town. He had often affirmed that he had three acres of land at Netchuwauick or thereabouts besides some other considerable estate in his father-in-law's hands.[1]

The court ordered that Chick be sent to New Chewauake, and that this place receive him.

The general practice of deporting undesirables was practiced from an early date in the New England colonies. The purpose was at first to rid the colony of political and religious malcontents,[2] "persons unmete to inhabit here." In the eighteenth century many deportations occurred for the purpose of expelling paupers. An act of 1701 provided that towns might deport persons and be reimbursed out of the province treasury in the case of unsettled dependents ill with infectious or contagious diseases.[3] There are records of deportation of Irish paupers explained by a memorial (1755) from the frugal Boston selectmen:[4] "The sending them out was to prevent a

[1] *Ibid.*, VII (September 29, 1679), 271. The selectmen of Boston made a return to the Suffolk County court, 1707, of persons warned out. One was "a Mollato man being a Lame Criple," a discharged apprentice (*Tenth Rpt. Rec. Commis.*, p. 113).

[2] *Rec. Co. Mass. Bay*, II, 10, 14, 16, 19.

[3] *Mass. Acts and Resolves*, 1701, c. 9.

[4] *Mass. Archives, Emigrants* (MS), 1651–1774, p. 258.

greater (evil), which must necessarily have arisen to the Province had they been permitted to tarry in it, they being extreamly poor, and unable to maintain themselves." On various occasions sums were appropriated by the province for deportation of dependents. Thus in 1755 £14 were allowed for the passage of a man to Ireland who was being maintained at the cost of the province. In 1765 £8 were allowed for the passage of an Irish pauper who petitioned to be returned to Ireland. And in 1769 a poor "distracted old man was returned."[1]

The legislation on the actual care and support of poor persons already in the town or those admitted as inhabitants was extensive. It dealt with such topics as the nature, agencies, and methods of support and the various classes involved: such as, on the one hand, the impotent poor—the aged, diseased, lame, sick, wounded, widows, and children. On the other hand, effort was made to develop the principle of self-support; to compel the able-bodied poor—the idle, vagrant, and vagabond classes and others capable of self-support—to work. In general the towns and county courts were made responsible for the support of the poor and the administration of the laws.

There were first general laws providing for relief of the impotent poor. Thus Plymouth colony (1642) declared that every town should maintain their poor "according as they shall fynd most convenyent and suitable for themselves by an order and genall agreement in a publike town meeting."[2] So Connecticut in 1673 ordered every town to maintain its own poor. This act is the first important general poor law in New England. It provided that after three months' residence any person who "by sickness, lameness or the like comes to want," relief should be provided for by that town.[3] In 1702 the selectmen or overseers of the poor must attend to the relief of the poor so far as "*five pounds* will extend," or more, with the advice of the assistants or justices of the peace, for the supplying of their poor with "victuals, clothing, firewood, or any other thing

[1] *Ibid.*, p. 254, 278, 279. The town also assumed the expense of sending a person to another colony (*Boston Town Recs.*, VII, 112).

[2] *Ply. Col. Recs.*, XI, 41. See also the act of 1683. Selectmen must relieve and provide for the poor as "nessesitie in theere discretion doth require and the Towne shall defray the charge thereof" (William Brigham, *Laws of New Plymouth Colony*, p. 201).

[3] *Conn. Code of 1673*, p. 57.

necessary for their support or subsistence."[1] Massachusetts provided (1692) that towns must relieve those unable to work.[2]

Under these laws each case involving the impotent poor was dealt with separately in town meeting or by the selectmen. It was common to place a poor or sick person with some family, or to provide food, clothing, or money. Thus upon complaint made to the selectmen of Cambridge that John Johnson was in a "low and pore condishon" it was ordered that he be supplied out of the town rate not exceeding forty shillings until further "order be taken."[3] In Watertown (1680) the selectmen inspected the town to see who might need help "both concerning there soules" and "there bodies." They reported that twenty-two people needed relief.[4] Ten pounds a year were allowed "Widow Bartlet to diet ould Bright and to carry in his diet or send it for his necessary supply" and the selectmen sent Deacon Thatcher and "Corporall" Hamon to make an agreement "to Diet Henry Thorp as they should se fiting and best for his releife" and they were also to "nottis" what need of clothing he had.[5] In Hadley (Massachusetts) it was voted in town meeting (1687) that Widow Baldwin should be sent from house to house two weeks in each family "able to receive her" and so "round the town."[6] Braintree voted (1701) £5 to Nathaniel Owen to help build a room for the keeping of his father and mother.[7]

In Connecticut, 1680, the Committee for Trade and Plantations made one of its queries read, "What provision is there made . . . . for relieving poor, decayed and impotent persons?" Governor Leete wrote[8] this somewhat optimistic account of the poor:

> For the poore, it is ordered that they be relieved by the townes where they live, every towne providing for theire own poor; and so for impotent persons. There is seldom any want releif; because labor is deare, viz., *2s.*, and sometimes *2s. 6d.* a day for a day labourer, and provision cheap.

[1] *Conn. Code of 1702*, p. 94.
[2] *Mass. Acts and Resolves*, 1692–93, c. 28.
[3] *Recs. of Town and Selectmen of Cambridge*, Dec. 3, 1675, p. 224.
[4] *Watertown Records*, pp. 70–71.
[5] *Ibid.*, 97, 102. For similar aid see *Records of Braintree* (1699), p. 44.
[6] Sylvester Judd, *Hist. of Hadley*, p. 234.
[7] *Recs. of Braintree*, p. 51, "Provided the said Owen will doe it."
[8] *Conn. Col. Recs.*, III, 300.

Large seaport towns like Boston, Philadelphia, and New York were in a peculiar and unfortunate situation both with respect to poor immigrants and because of the policy of the smaller inland towns, by warning out, to force their poor to move to the larger towns. The situation in Boston in 1679 is set forth in a petition[1] to the general court:

> Because the Constitution of the Towne of Bostone is such in respect of the continuall resort of all sorts of persons from all partes, both by sea and land, more than any other towne in the Collony, there is a necessitie of some peculiar power or priviledge whereby to defend themselves from that pphanesse and charge two much growinge upon us. . . . . The towne is fild with poore idle and profane persons which are greatlie prejuditiall to the inhabitants.

Boston provided for visiting families by justices, selectmen, overseers of the poor, constables, and tithingmen. In 1715 the purpose was stated: "to Inspect disorderly persons, New-comers And the circumstances of the poor and education of their children."[2]

There were various methods of giving the poor temporary relief. Abatement of taxes was common. After Boston's great fire of 1683, because many homes had been destroyed and "many impoverished," the selectmen reduced the taxes of the poor.[3] A list of abatements in Boston for 1700,[4] because of poverty, illness, or unemployment, etc., affected twelve persons at a cost of £7 7*s*. 8*d*. Efforts were made to provide the poor with food and clothing at low prices. In 1740 Boston converted an old church into a granary where twelve thousand bushels of grain could be stored at a time, and sold to the poor in small quantities on an advance of 10 per cent on the cost to cover the expense and waste.[5] Town cows have an interesting history. Legacies were made for the purchase of cows for the use of the poor. Concord thus purchased a town cow and pastured it on the common land.[6] Many fines for breach of the poor laws were employed for the relief of the poor; such as fines on those refusing to

[1] *Boston Town Recs.*, VII, 135.

[2] *Boston, Selectmen's Recs.* (1701–15), p. 221. [3] *Ibid.*, VII, 168.

[4] *Ibid.*, pp. 181–89. Compare "John Mullberry extream poor and Lame, 0–10–9" (and) "Ambrose Honnywell by reason of his wife, her sickness, and his being out of Imploy, 0–12–0" (*Tenth Rpt. Rec. Commis.*, p. 91. See pp. 92–94, 108).

[5] Winsor, *Memo Hist. of Boston*, II, 460.

[6] Walcott, *Hist. of Concord*, p. 133. Cf. J. B. Felt, *Annals of Salem*, II, 396–98.

work at harvest time; selling bread and butter at short weight; not attending public worship or making shingles contrary to the required dimensions of length, breadth, and thickness, etc.[1]

The number of poor persons increased rapidly in the eighteenth century, especially in Boston. By 1735 a petition to the governor complained that the expense of maintaining the poor had increased from £940 in 1728 to £2000 in 1734. At this date there were eighty-eight persons in the almshouse, about one-third of whom were born in Boston. The petition requested aid from the province and asserted that two-thirds of the poor were not born in Boston. The increase in population was asserted to be mostly due to the number of poor coming in and that the town was powerless to prevent it. Probably this increase was due partly to the efforts of the smaller towns to evade the responsibility for their own poor and partly to the increase of poor immigrants. Similar petitions were presented in 1737, 1752, and 1753.[2] By 1770 out of a total expenditure of some £245 by the town of Braintree £90, or 36 per cent, were spent for poor relief.[3]

This increase in the cost of poor relief led to laxness, negligence, and even to evasion of responsibility by towns, selectmen, and overseers of the poor. Consequently the general court of Massachusetts (1742) complained of the neglect of these officers in caring for the poor. Disputes as to which town was legally responsible for relief were common, and there was often a "pretense" that the condition and circumstances of poor persons were not so "necessitous" as to require support or render them a proper town charge. The law provided that the county court should determine the responsibility of towns and fine selectmen forty shillings on proof of neglect of duty. This sum was to be applied for support of the poor. Towns also might be assessed by the justices if they failed to provide for the poor and the sums obtained were to be disposed of as the justices saw fit.[4]

[1] *Mass. Laws of 1660*, pp. 125, 203, 224. See *Acts and Resolves*, I, 212, and *ibid.*, pp. 45, 56–60, 65, 452. In Boston, 1704, fines, bequests, and donations were made a "stock" for the aid of the poor (*Tenth Rpt. Rec. Commis.*, p. 112).

[2] *Boston Town Recs.*, XII, 121–22, 178; XIV, 222, 240.

[3] *Braintree Town Recs.*, p. 428.

[4] *Mass. Acts and Resolves*, III, 37. Re-enacted *ibid.*, pp. 264, 488, 647.

Besides the impotent poor there was another source of pauperism namely the able-bodied poor who were not self-supporting. Idlers, vagrants, and vagabonds had plagued England for centuries and these classes appear in the New England colonies in surprising numbers. Disinclination to work rather than lack of employment was the primary cause. For shortage of labor was one of the most common complaints throughout the colonial period.

England had discovered that idleness was a source of crime and costly to the state in terms of taxes, courts, and jails. She therefore encouraged the emigration of convicts, felons, paupers, vagrants, and vagabonds. Indeed she forced such emigration through her transportation laws which made the penalty for crimes transportation to the colonies through the indentured servant system.[1] An English act of 1662 provided that judges in quarter sessions should report to the Privy Council the names of rogues, vagabonds, and sturdy beggars whom they considered fit to be transported and indentured as servants for a term not exceeding seven years.[2] An act of 1717 provided for the transportation of idle persons under twenty-one years of age.[3] These laws are one source of the idle and vagrant classes in the colonies.

The New England colonists were well aware of England's discovery that idleness bred crime, was costly, and led to pauperism. The Puritans, however, had a special horror of idleness and its consequences because they interpreted the Bible, "God's word," to mean that it was a sin. Then hostility to idleness developed because of environmental influences. With a relatively poor soil, hard work was essential to secure a decent living; hence the emphasis on industry, thrift, and frugality. The Puritans were anxious to avoid the heavy burden of taxes, common enough in England, where some parishes expended nearly a third of their income for the support of the poor. Considering these powerful economic and religious motives it is not surprising to find that the New England colonies were

[1] See *Social Service Review*, III (March, 1929), 4–5.

[2] *Statutes of the Realm*, V, 402, 405 (14 Car. II, c. 12). In 1713 rogues, vagabonds, and sturdy beggars could be apprenticed either in Britain or across seas for a term no longer than ten years (*ibid.*, IX, 981 [13 Anne, c. 26]).

[3] Pickering, *Statutes at Large*, XIII, 471 (4 George I, c. 5).

extremely hostile to idlers, vagrants, and vagabonds and passed numerous laws to compel them to work.

The first instructions of the Massachusetts Bay Company to Governor John Endicott, May 28, 1629, provided that:[1]

> Noe idle drone bee permitted to live amongst us, which if you take care now at the first to establish, wil be an undoubted meanes, through God's Assistance, to prevent a world of disorders and many grievous sins and sinners.

Massachusetts provided in 1646 that towns might "present" to the quarterly court all idle and unprofitable persons in order that the court might dispose of them "for their owne welfare and improvement of the common good."[2] In Connecticut idle persons might be punished as the court should "think meet" and later the selectmen were given power to put out to service those who lived an "idle and riotous life." So in 1717 they were required "to diligently inspect into the affairs of poor or idle persons and if likely to be reduced to want" to dispose of them to service.[3]

Idleness seemed to increase, however, for in 1682 a Massachusetts act declared that in the several towns there were many idle persons who did not follow any employment for a livelihood "but mispend their time and that little which they earne to the impoverishing, if not utter undoing of themselves and families."[4] The tithingmen of each town were ordered to inspect all families and persons and return the names of idle persons to the selectmen and the constables who were required to see that they worked if capable. Otherwise they were required to send them to the house of correction and set them to work.

A particular case well illustrates the problem of merely punishing an idle person instead of providing work for him. The early houses

[1] *Rec. Co. Mass. Bay*, I, 405. In 1632 constables were ordered to see that no person spent his time "idly or unprofitably" and to present their cases to the magistrates (*ibid.*, I, 109).

[2] *Ibid.*, II, 180. In Plymouth idle persons were to be brought before the magistrates or selectmen for examination (*Ply. Col. Recs.*, XI [1639], 32).

[3] *Conn. Col. Recs.*, I (1650), 528; Code of 1673, p. 66; *Conn. Col. Recs.*, VI, 112. Massachusetts ordered idle persons, if convicted, to be sent to the house of correction and whipped "on the naked back, not exceeding 10 lashes," and kept at hard labor (*Mass. Acts and Resolves*, 1692, c. 28).

[4] *Recs. Co. Mass. Bay*, V, 373.

of correction, or common jails, were not equipped, like the later workhouses, with facilities to put those able to work. It appears that Boston got tired of supporting one of these jailbirds and appealed to the Suffolk County court for relief with the following result:[1]

> William Batt, haveing lyen some yeares in prison, being committed to the house of correction as an idle person, and there continuing at charge to the Town of Boston without doing any labour for his maintenance; the Court impower the Selectmen of Boston to take any further order relating to said William Batt, and to dispose of him for improvement as they shall see meet.

Vagrants and vagabonds, "wanderers," usually able-bodied, were one class of idlers and hence prospective paupers. Massachusetts provided (1662) that vagrants should be whipped[2] and in 1692 selectmen and overseers of the poor must see that those who wandered from place to place "fit and able to work" should be sent to the house of correction, whipped, and made to work.[3] Rhode Island declared that vagrant persons who came into towns became a burden, lived idle and vicious lives, and had a corrupting influence.[4] Governor Leete of Connecticut wrote[5] in 1680 that:

> Beggars and vagabond persons are not suffered, but when discovered bound out to service; yet sometimes a vagabond person will pass up and down the country, and abuse the people with false news, and cheat and steal; but when they are discovered they are punished, according to the offense.

Connecticut did not differentiate between paupers and vagrants until 1713. At that date it was asserted[6] that "wanderers" and others were of pernicious consequence and might be sent to jail, made to labor, and, on order of the court, whipped. In 1718 it was reported[7] that "idle persons, vagabonds and sturdy beggars" had greatly increased and "likely more to increase." Those found wandering up and down in any parish were to be adjudged rogues and were to "be stripped naked from the middle upward, and be open-

[1] *Suffolk County Court Recs., Mass.* (1671–80) March 13, 1682–83.

[2] *Rec. Co. Mass. Bay*, IV, Part II, 43. See also *Ply. Col. Recs.*, XI (1661), 206.

[3] *Mass. Acts and Resolves*, 1692–93, chap. 28, p. 7.

[4] *R.I. Laws, 1636–1705*, p. 52.

[5] *Conn. Col. Recs.*, III, 300.

[6] *Ibid.*, V, 383.

[7] *Ibid.*, VI, 82.

ly whipt on his or her naked body, not exceeding the number of fifteen stripes" and ordered to "depart the town or parish."

How far the laws on vagrancy were enforced is difficult to say. But in one case at least a certain John Smith suffered the extreme penalty. His case came before the Suffolk County court and the record reads as follows:[1]

> John Smith a Vagrant idle Person who hath formerly been whipt out of Town for a Vagabond; but is since returned and imposeth himself upon the Town of Boston without approbation of the Selectman and contrary to former order of this Court and is very Suspitious both in words and carriages of being an evill-minded person, having lyen a considerable time upon charge and refuseing to worke for the discharge thereof for his own maintenance: The Court orders that the said John Smith bee disposed of by Sale out of the County for Satisfaction of his charges by advice of the Honorable Governor.

The early history of poor relief is largely that of care of the poor in private homes. Idlers and vagrants were at first confined in houses of correction, "bridewells," or common jails. There was little or no classification of the poor on the basis of age or sex, worthy or vicious, sane or insane; nor was opportunity provided for the able-bodied to work. In the eighteenth century, institutional care of the poor developed slowly through almshouses and workhouses where more effort was made to segregate the various classes of poor. In a few large towns the impotent poor and decrepit were put in an almshouse, vicious persons and criminals in houses of correction or jails, and the able-bodied poor in workhouses.

Plymouth colony authorized the erection of a workhouse or house of correction (1658) controlled by the governor and assistants. The inmates were to:

> have noe other supply for theire sustainance than what they shall earne by theire labour all the while that they shall continue there.[2]

No information of the workings of this institution is available. Boston had an almshouse in 1660 but up to 1712 it was little more than a house of correction where all classes of poor and vicious persons were herded together. Complaint was made in town meeting that the almshouse ought to be restored to

[1] *Suffolk County Court Recs., Mass.* (1671–80) MS, November 22, 1677.

[2] Brigham, *Laws of Plymouth*, p. 120.

its Primitive and Pious design, even for the releife of the necessitous, that they might lead a quiet Peaceable and Godly life there, whereas tis now made a Bridewell and House of Correction which Obstructs many Honest Poor Peoples going there for the designed Releife and Support.[1]

The next year the town ordered that only persons "proper objects of the charity of the town" should be admitted to the almshouse.[2] Because the idle and poor had so increased in Boston the general court passed a special act which provided for twelve overseers of the poor, with power to erect a workhouse and commit idle and indigent persons. They also had power to bind out children and concurrent power with the selectmen to warn undesirable newcomers out of town.[3] It was not until 1739, however, that the workhouse was opened. Only the able-bodied poor were admitted and set to work picking oakum, carding and spinning, etc. Children were also admitted but were put out to service when they arrived at a suitable age. The earnings of the inmates were used in part to support their families, if in need.[4] By a later act the smaller towns could unite, two or more, erect workhouses and appoint overseers of the poor.[5] Apparently few such towns established workhouses before the revolution. Braintree proposed building a house for the poor as early as 1747[6] but the proposition was defeated in town meeting.[7]

In 1699 Massachusetts provided for the suppressing and punishing of "Rogues, Vagabonds, Common Beggars and other Lewd Idle and Disorderly Persons" by ordering the establishment of houses of correction, really workhouses. Towns must levy taxes to provide materials, tools, implements, and "stock" for work (parents or masters in the case of children and servants). The inmates were paid 8*d.* out of every shilling they earned, part of which might be used for the support of their families. Expenses above earnings were charged to the town. If the inmate became stubborn, disorderly, or idle he could be punished by whipping and the master might "abridge them

[1] *Boston Town Records*, VIII (1712), 93, 94. [2] *Ibid.*, p. 101.

[3] *Mass. Acts and Resolves*, 1735–36, c. 4.

[4] *Boston Town Recs.* (1729–42), *Rec. Com. Rpts.*, XII, 231.

[5] *Mass. Acts and Resolves*, 1743–44, c. 12. Compare Merrill, *Hist. of Amesbury*, pp. 206, 214.

[6] *Braintree, Town Recs.*, pp. 281–82. [7] *Ibid.*, 284–86.

and their food." Besides rogues, vagabonds, and idlers the law names others who might be committed to the workhouse:

> Common pipers, fidlers, runaways, stubborn servants or children, common drunkards, common night-walkers, pilferers, wanton and lassivious persons either in speech or behaviour, common railers or brawlers such as neglect their callings, misspend what they earn, and do not provide for themselves or the support of their families.[1]

Connecticut also turned from private care to public institutions. In 1713, for the first time vagrants or "sturdy beggars" were differentiated from paupers. County jails were made houses of correction for "wanderers" and the keeper was instructed to set inmates to work "at such labor as such offender is capable of."[2] A colony workhouse was provided by the act of 1727. The method of overcoming the evils of vagabondage and idleness by whipping was at last seen to be not a "timely remedy."[3] A suitable means and place to restrain and employ such classes was now thought of as the best remedy. This colony workhouse was finally established but did not prove successful and was helped by the assembly (1734) with a grant to be used to procure materials for setting the inmates to work. For this colony workhouse there were later substituted county workhouses, supported by taxes assessed by the county court.[4]

Most of the smaller towns continued to care for the poor in private houses up to the revolution. The records[5] of the overseers of the poor for the town of Danvers, Massachusetts, for the years 1767–68, give an interesting picture of the method of caring for the poor and their character. Several practices were followed. Thus notice was given that the overseers would meet April 13, 1767, and "put out the poor to such persons as will take and keep them Cheapest, or as the Overseers and they Can agree." This is the system of auctioning off the poor. The account for this date shows that ten persons were "put out at sums ranging from £5 to £8 per year. The form signed provided that a person should be supplied with "all the necessaries of Life if he Live so Long, except Clothing and

[1] *Mass. Acts and Resolves*, 1699–1700, c. 8.
[2] *Conn. Colo. Recs.*, V, 383.
[3] *Ibid.*, VII, 127. This is a copy of the Mass. Act of 1699.
[4] *Ibid.*, VII, 530; X, 159, 206; XIII, 237 (Acts of 1750, 1753, and 1759).
[5] *Essex Institute Hist. Collecs.*, II, 85–92, from which extracts are given.

Extraordinary Sickness, or the want of a Doctor, which the Town will Provide if timely Notifyed." At a meeting April 20 it was "agreed to do something to Thomas Nelson's Clothes—And git an under Jacket and aporn and a pare of Stockings for Isaac Pelas." The following bill of Doctor Amos Putnam was allowed for his services to the poor.

1767—The town of Danvers to A. Putnam, Feb. 1st to December 4th,

			Dr.
For 1 visit to John Cromwell, Jun., and for medicines adminis'd 4s.,	£0	4	0
to medicines adminis'd to Jos. Very,	0	4	0
to sundry medicines for Mrs. Coes 3s. 6d., Cath. Rhei, &c., for Margaret Royal 1s.,	0	4	6
Adminis'd to Caleb Wallis's wife sundry medicines and six visits	1	1	0
	£1	13	6

Error Except.

AMOS PUTNAM

The overseers also paid bills brought in for the support of persons according to agreement. Thus John Shelton presented an account of "what he has Done for his Mother Magery, a widow, from the first of March to the eleventh of April, 1767." It will be seen that the overseers were not worried by the Eighteenth Amendment nor the Volstead Act and that the widow Magery was well provided for.

John Shelton's account of what he has Done for his Mother Magery, from the first of March to the 11th of April, 1767:

To 2 galons New Eng. Rum	32 shil.
and 1 galon West Eng. Rum at	28 shil.
1 quart of West inde	7 shil. 6d.
and 2 quarts of New Rum	7 shil. 6d.

to bisket 5 shil.—to plums 2 shil. 5d.—to 2 ounces of tea 4 shil. 9d.—for bisket agin 1 shil. 6d.— to 6 ounces of tea 14 shil. 3d.—to 7 pounds of Shugar more 22 shil. 6d.—to oatmeat 5 shil.—to Bisket again 2 shil. 6d.—to 9 pounds of Beef 16 shil. 6d.—to 7½ lbs. Beef 15 shil.

Moreover this bibulous widow continued to consume a great quantity of liquor, as appears from another account presented to the overseers. She seemed to be more fond of West Indian than New England rum. She drank altogether during the year 9 gallons, 1½ pints of rum and 1 quart and 3 gills of brandy, at a cost of £9, 13

shillings, and 7 pence, old tenor. This thirsty widow had nothing to complain of even if she was short on other supplies.

A general account of orders drawn on the town treasurer for one year for support of those not "put out" follows:

Orders Drawn on the Treasurer Exclucief of the poor that is put out By the year:

An order to Caleb Walles for his and his wife's Suport 4 weeks,	£0	10	9½
An order For the French Nuterls,	9	00	0
Do to Curnelius Tarbel for ceeping M'gt Royall,	0	06	0
Do Caleb Walles and his wife agin,	0	18	0
James Upton to mending shoes,	0	02	0
Do Caleb Walles for his Suport,	0	12	0
Do Caleb Walles for his Suport 5 weeks,	0	15	0
Do Caleb Walles for his ———,	0	12	0
Do Caleb Walles his ———,	0	12	0
Joseph Brown to wood	1	01	4
Do Caleb Walles for his and his wife's Suport,	0	14	0
Gideon Putnam for clothing for ye poor,	13	02	10
Do Caleb Walles for his and his wife's Suport agin,	1	14	0
Lydia Nurse for Supporting Sara Very,	0	16	0
James Prince, jun., for wood,	1	06	8
Doctr Sam'l Holten for medesons for ye poor,	0	02	0
Gideon Putnam for other Nesesaries,	2	19	11
Elisha Flint for clothing,	5	12	11
Do Caleb Walles for his and his wife's Suport,	0	15	0
Caleb Nurse to wood,	0	06	8
Jacob Goodell to ceeping John Croell,	0	11	0
Doct. Amos Putnam for doctering the poor,	1	13	6
Wido Abigail Cutler for what she provided for Abigail Marsh in her last sickness and tord her funeral,	2	2	10
Tarrant Putnam's bill for Suplies,	2	11	8
Sam'l Holten's bill for keeping Bredget Weab in her last sickness and 38 weeks board,	8	2	10½
	£58	8	8

The amount of orders drawn for the Support of the Poor from March the 1st, 1767, to March the 1st, 1768, were £154, 2 shil., 1d. L money.

The New England colonies passed numerous laws for the regulation and support of special classes of poor people, e.g., the sick and insane. The problem of admitting and caring for sick immi-

grants, especially those having contagious diseases, was a serious one because of the likelihood that they would become chargeable. The health conditions on immigrant ships were often unbelievably bad, due to overcrowding, insufficient, poor, or entire lack of food, and lack of medical care. Sometimes one-half or more immigrants on a passenger ship were ill on arrival, many perhaps having a contagious disease.

As early as 1642 Plymouth colony provided that shipmasters or others bringing in diseased persons must discharge the town of all responsibility of expense.[1] Massachusetts passed several acts due to the "mischief" of ships coming in with smallpox and other infectious diseases and provided for general quarantine.[2] On October 31, 1741, the sloop, "Seaflower," from Belfast for Philadelphia with 106 passengers arrived in Boston harbor. Because of storms and lack of provisions and water many had starved to death. The selectmen of Boston boarded the vessel and found that the immigrants were reduced

> to such Miserable Circumstances that they were Obliged in Order to Sustain Life to feed upon the Bodys of Six Persons that Died in the Passage, that as they were cutting up the Seventh, they Espied the Success Man of War Capt. Thompson Commander who came up to them and supplied them with Men and Provisions sufficient to bring 'em into this Port, they having been out Sixteen Weeks, Forty-Six Peop!e having Died on the Passage. The Select Men also find that there is now about Thirty Persons that are in very low Circumstances and not Capable of taking Care for themselves but require the Speediest Care to be taken of them to preserve Life, and they Earnestly Pray suitable Provision may be made for them or else they must Perish.[3]

In this case the governor and council were consulted. Because there were "Sixty-five Passengers most of them in a sickly and weak Condition," the council ordered the selectmen to transfer them to the hospital at Ramsford's Island and when restored to health call on the owners of the vessel to pay the charges or "sell their Service for a reasonable time for the Payment thereof." By the next February the selectmen declared that some of these passengers were "proper

[1] *Ply. Col. Recs.*, XI, 40. Cf. *New Haven Colo. Recs.*, III, 610.

[2] *Mass. Acts and Resolves*, I, 376, 469; II (1700, 1701, 1718), 91; III (1722), 124. See note 16.

[3] *Boston Selectmen's Recs.*, 1736–42, pp. 316–18.

Objects of Publick Charity" and ordered draughts on the town for £21.5s. "at the Charge of the Province" for boarding, nursing, dieting, and even burying some of these unfortunates.[1]

An example of a bond required by the selectmen for the admission of persons as inhabitants who might become a charge on the town will illustrate this method of lessening the burden of poor relief.

> Voted, That Martha Hooker with her two Children who were lately Imported into this Town in the Ship Leghorn, Thomas Templer Master from London be admitted Inhabitants, Upon Condition that Mr. Roger Hardcastle give Bond to the Town Treasurer in the Sum of Three Hundred Pounds to Indemnify the Town from any Charge upon their Acct. for Five Years.[2]

On the other hand, the selectmen aided a stranded sailor from North Carolina, who had been captured by Spaniards and put ashore with the result that through exposure and lack of food he got a "great Cold which hath fell into one of his Leggs and renders him unable of getting a Maintenance, that he hath no Money nor Friends to support him." He was considered a "proper object of Publick Charity" and was placed in the alms-house at the charge of the province.[3]

Persons who had gained the right of inhabitancy were supported by the town, if sick, as other poor persons.[4] Contracts were entered into with doctors to cure such persons at town expense. At a Braintree, Massachusetts, town meeting (1707) the selectmen were instructed to "discourse (and agree)" with Samuel Bullard for the care and cure of Abigail Neall. The instructions show that the canny townsmen wanted to be sure that the town got its money's worth, for no cure, no pay.

> That is to lay down Twenty shillings in order to said cure and to engage no more for keeping than eighteen pence per week. If in case a cure be performed that may prove sound for one whole year, then to give satisfaction for said cure not exceeding Ten Pounds, not to pay said Sum untill Twelve months are expired after the Cure and said Twenty shillings to be part of said sum, and if no cure be performed to pay no more than said Twenty Shillings and for her keeping.[5]

[1] *Ibid.*, pp. 318–20.

[2] *Ibid.*, p. 320. [3] *Ibid.*, p. 319.

[4] *Conn. Code of 1673*, p. 57; *Mass Acts. and Resolves*, I, 469–70.

[5] *Braintree Town Recs.*, p. 65.

The insane poor were disposed of as other poor persons. Massachusetts provided (1693) that if an inhabitant "fall into distraction and become *non compos mentis*, the selectmen must take effectual care for their relief and safety."[1] Braintree, for example, voted in 1689 that Samuel Speers should build a "litle house 7 foote long and 5 foot wide and set it by his house to secure his Sister and good wife Witty being distracted and provide for her." The town agreed to bear all expenses, "to see him wel payed and sattisfied."[2] The selectmen were also ordered to see about Ebenezer Owens' "distracted daughter" and give Josiah Owen twenty pounds, provided he gave bond "to cleare the Town (forever of said girle)."[3] However, the town continued to make provision for this same girl as late as 1706.[4]

In conclusion it may be observed that the English poor law had been in operation nearly a generation when the Pilgrims and Puritans migrated and established the Plymouth, Massachusetts Bay, Connecticut, and other New England colonies. The colonists were inheritors of that great fund of English poor relief experience and legislation upon which they might draw in establishing their own systems. It is not surprising, therefore, that the more important English principles of poor relief reappear in their legislation. These were, briefly, the responsibility of the state for the relief of the poor; the right to compel those with property to help support the dependent classes through a system of general taxation; the responsibility of each local community, the town, for its own poor; special officers for administering poor relief, overseers of the poor; differentiation between classes of the poor, the setting up of workhouses for the able-bodied poor and the provision of materials for work. While the idea persisted that vagrants and vagabonds were criminals, yet

[1] *Mass. Acts and Resolves*, 1693–94, p. 51. Connecticut copied this act, "An Act for the relieving of Idiots and Distracted Persons" (*Conn. Col. Recs.*, IV, 285). In 1727 insane persons were confined to workhouses (*ibid.*, VII, 129).

[2] *Braintree Town Recs.*, p. 26. [3] *Ibid.* (1699), p. 41.

[4] *Ibid.*, pp. 46, 63. There were other special classes of poor, not here treated, for which provision was made; such as illegitimate children, Indians, widows, slaves who had been freed, and others. See E. W. Capen, *The Historical Development of the Poor Law of Connecticut*, for examples.

the old notion, that the impotent poor should be provided for privately and were criminals, was rejected. Such persons were considered to be a public charge worthy of serious attention. Thus humanitarian ideas made their appearance. On the other hand, great determination was shown in the endeavor to protect society from the excessive burden of supporting idlers and the able-bodied poor.

It is clear that the New England colonies laid great stress on excluding those likely to become chargeable—both those entering as immigrants and after entrance those seeking the right of residence. If entrance was accomplished, an effort was made to place the burden on those responsible for bringing in or entertaining chargeable persons. If this failed, the towns resorted to the practice of warning out prospective paupers and the colony adopted the plan of deporting them. The towns seem to have been reasonably generous in their support of the poor if we may judge from such examples as those of Boston and Danvers. The system of auctioning off the poor to the lowest bidder was begun before the revolution and, with its attendant evils, became widespread at a later period.

As compared with Virginia, the New England colonies were fortunate in that they were not seriously affected by a large number of indentured servants and mulattos who became free Negroes, both classes furnishing prospective paupers. Illegitimate children and orphans were accordingly less of a problem in New England. Both regions, however, accepted responsibility for the support of their poor and there is little evidence of real suffering for lack of support. The chief weaknesses in the system were the workhouses and the failure to solve the vagrant problem. The former was never successful and in the case of the latter each town endeavored to place the burden on some other town, with Boston the chief sufferer. The care of the insane and defectives were also weak spots in the system. On the whole, however, a distinct impression of humanitarianism and sympathy for the poor and unfortunate is much more in evidence than one of neglect or cruelty.

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STABILIZATION *VERSUS* INSURANCE?

I

THE tremendous increase of interest in methods of meeting results of economic depressions as well as preventing them, if possible, is the one redeeming feature of the present economic catastrophe. Never in the writer's memory, not even in 1921 or 1893, was there such a flood of literature on various aspects of unemployment, nor such an avid demand for it. If, as a result of the panic of 1929 and the depression of 1930, there should come in 1931 a really constructive program which would mitigate conditions that may arise again some time in 1937 or 1938 (if not earlier), then all the economic losses sustained and the human suffering endured will not have been in vain. To be sure, it seems like a very heavy price to pay for what might have been recognized as necessary without it.

It is well, however, not to be too optimistic. Many wise social measures have demanded public attention during moments of distress, only to be forgotten, or perhaps to be successfully fought and destroyed, as soon as the emergency had passed. It is not the first time that necessary measures to fight unemployment have been discussed. Some constructive action appeared more than likely in 1921, but the era of unusual prosperity quickly wiped out all interest in the problem. What happened then may happen again. It is important that something should be done. It is no less important that whatever will be done should be done wisely. From this point of view, no amount of discussion of the programs proposed is excessive.

In this wealth of discussion certain definite measures have emerged from the rather naïve avalanche of cures which flooded the press in the beginning of the depression. It has come to be recognized generally that in face of utter lack of preparation for the emergency, due to total failure to foresee it, the problem of today is primarily one of energetic and generous relief, whether by direct charity or, wherever possible, by "made work." It is beginning to be recognized, at least by some writers, that private philanthropic effort is inadequate to meet the situation, notwithstanding all the generous publicity it re-

ceives; that community chests, in face of a slight increase in collections, have proved themselves unprepared to meet the situation; that public relief appropriations, available as yet in a very small number of states or communities, must be insisted upon in addition to private philanthropy.

Beyond these immediate needs the useful suggestions are:

I. A complete system of unemployment statistics.

II. The organization of the labor market through a system of public labor exchanges.

III. Efforts to counteract the fluctuations of the volume of employment through long-term planning of public construction, national, state, and municipal.

IV. Unemployment insurance, whatever name it may be designated by (wage reserves, dismissal wage, etc.).

V. Stabilization of industry.

To one who has watched economic conditions and economic thinking in this country for two or three decades, this program, either piecemeal or in its entirety, presents no elements of novelty. Relief, unemployment statistics, public building reserve, employment exchanges, unemployment insurance, and stabilization of industry, all these slogans have been discussed in 1915, again in 1921, and more so during the last two or three years. It is not important that a social program should be novel. It is enough that it be judicious. So long as we still remain in the stage of discussion there cannot be any too much of it. In fact, discussion alone appears insufficient. The chance for early action will depend upon the amount of education and (one may as well admit it) active propaganda. It is the more necessary because already a good deal of counter-propaganda has developed, certainly against some of the measures advocated, particularly against organization of a national chain of employment exchanges, and against unemployment insurance. The adoption of the program, either as a whole or in part, will not be accomplished without a very hard struggle in which a great many group interests will defend themselves against what appears to them to be an encroachment of their vested rights. It is well, then, to be prepared for that struggle, and to be sure that one's ammunition is in good condition.

Though predictions in the field of social action are always dangerous, one may venture the guess that the opposition to a system of employment exchanges will not prove too strong to overcome within a reasonable time. No system of employment exchanges can altogether destroy the employer's privilege of hiring or firing at will. It is doubtful whether a public employment exchange system, even if it were to wipe out all commercial agencies, would interfere with labor and employment departments organized by large corporations for their own use. One would hate to think that the narrow vested interest of private employment agencies could prove sufficiently strong to overcome a measure of such importance.

On the other hand, the problem of stabilization scarcely offers any opportunity for legislative struggle, at least in the near future. It is, of course, perfectly logical for students of economic and social conditions to endeavor to reach out for the fundamentals of the situation. A radical remedy for prevention of economic cycles is the elimination of such cycles, namely, stabilization of industry. But such stabilization appears to be a function of industry itself rather than governmental authority. The necessity for national planning of economic life is pointed out by many and even Russia, with its Gosplan, is referred to. It is recognized, however, that even national planning may prove incompetent to deal with so cosmic a situation. Obviously a discussion of world-wide planning of production is interesting speculation, may make interesting economic literature, but cannot serve for many years as a basis of legislative proposals or of definite social action. It is what the Germans characteristically call "*Zukunftsmusik.*"

Between these extremes, therefore, the proposal for public labor exchanges which should be capable of achievement without excessive difficulties, and national planning which must remain an interesting subject for theoretical discussion, there lies the program of unemployment insurance, as yet the most effective way of overcoming, if not economic crises, at least most of the social cost in human suffering which such crises and unemployment in general entail. And it is in reference to this proposal that the strongest opposition has already developed and the conflict is certain to be very sharp.

A large and an increasing number of European countries have

availed themselves of the advantages of unemployment insurance. It is quite safe to assert that in no country in which general compulsory unemployment insurance had been operative for some time would the working masses be willing to forego its advantages. It is almost equally true that in most countries, even in Great Britain, the employers and taxpayers, on the whole, have adjusted themselves to the financial burden, and, though there is no dearth of grumblings and criticisms, I doubt whether they would be willing to take the chance of abolishing the system. Of criticisms and suggestions and changes there is no dearth, but even so conservative a statesman as Winston Churchill admits that on the whole the ununemployment insurance system, that much-abused "dole" system, has saved the situation in his country. But what the employer or taxpayer is often willing to admit ex post facto, he is seldom in a mood to welcome in advance. There is nothing new about this psychologic reaction. One may need only recollect the obstinate struggle on behalf of organized industry against workmen's compensation some 20 years ago. And yet it would be rather difficult to find any employers' organization, or even individual corporation, that would now express its preference for the old liability system against workmen's compensation.

This is the psychologic situation which must be faced today, if the growing interest in unemployment insurance is not to be allowed to go to waste. On one side of my desk there is a growing heap of unemployment insurance bills and clippings in defense of them—on the other side an equally rapid growing stack of pamphlets and newspaper clippings against unemployment insurance. Of these perhaps the most influential, the most alarming, is the antagonistic attitude definitely assumed by the president of the American Federation of Labor, meekly followed by most of the leadership within the Federation. The great speed with which the sage of Northampton expressed his approval of Mr. Greene's attitude and the total silence of the national administration on the entire subject are equally significant. So much for the general setting in which the proposal of unemployment insurance will have to be discussed. It is because of this setting that certain attitudes in the present discussion of the subject appear to contain an element of danger and require careful consideration.

"We must recognize the danger," says Professor Mussey, in the *Nation*, "that insurance will lessen the intensity of individual and collective efforts at stabilization, which, after all, is the ultimate goal to be sought."

"The American workman wants a job, not the dole," said President Greene, and it was this perfectly wholesome sentiment that called for the enthusiastic approval of Mr. Calvin Coolidge. A joint committee of the National Association of Manufacturers and the National Industrial Council, in presenting its pamphlet *Public Unemployment Insurance*, issued last spring, among many alternative solutions for the problem, emphasizes stabilization of industry and employment. In the numerous hearings before various committees of both houses of the Congress of the United States on unemployment, it was stabilization that was most exhaustively discussed and of course approved by everybody, perhaps largely because no government action was indicated and the whole matter could then safely be left to the wisdom and efficiency and generosity of the private employer.

Now there is nothing novel about this method of fighting an important legislative proposal. It is the traditional method of drawing the red herring across the path, and it has become particularly popular in the field of social insurance legislation. Unfortunately, it has often proved to be effective in killing or at least delaying or limiting such legislation. "Isn't it better," went the argument twenty years ago "to prevent accidents than compensate for them?" "Isn't it better to improve health of the workers and reduce the amount of sickness than to give sick benefits?" "What we want are jobs, not doles." It is therefore stabilization of industry *versus* unemployment insurance. If to this can be added the force of national pride, if insurance can be characterized as the ineffective European method, and stabilization as the American contribution to the problem of unemployment, an important additional point has been gained. Even Professor Mussey speaks of stabilization or regularization by the individual employer as the "distinctive American contribution to the problem of preventing unemployment." In other words, an alternative is created when no alternative exists. For obviously both are necessary. It is desirable to reduce the number of accidents and

to compensate for such accidents as have happened, nevertheless. And this is equally true of every human hazard with which the insurance method has been called upon to deal.

I hope this will not be interpreted as merely captious criticism and hairsplitting. The problem is entirely too important for any pettifogging. Nor is it intended to imply that all advocates of stabilization are necessarily guilty of this sophistry. There is, however, the underlying attitude that insurance is after all only a makeshift, a palliative; that stabilization (meaning prevention) is the fundamental, radical cure.

It is extremely difficult to argue against such an attitude without subjecting one's self to the charge of lack of social vision. Of course, it is best to prevent accidents, disease, premature death, fire, or unemployment. Of course, all possible measures should be encouraged to expedite the approach to the millennium. The questions, however, which continue facing us are: Do we know how to do it? How much of a success can we reasonably expect? What are we to do in the meantime? And finally, what is the influence of the insurance method? Does it or does it not detract from the efficiency of preventive efforts? In other words, the whole problem of "prevention *versus* insurance" is again brought forward as it had been in the days of fighting for compensation and later for health insurance.

Do we know how? I think it would be quite wholesome in the current discussion of the situation to admit that as yet we are altogether uncertain of the ways of counteracting economic crises, as we are uncertain of their causation. There are probably as many theories in explanation of economic fluctuations as there have been prominent economists during the last two hundred years. Without going into too exhaustive a discussion of this situation, it is sufficient to point out that less than two years ago, prevailing economic thought in America not only did not foresee the inevitability of the collapse of 1929 but, quite to the contrary, was rather inclined to assume that we had already solved the problem and abolished all crises. Surely, such an attitude would have been impossible if we understood the nature of the economic cycle. And not understanding it, how can we assume that we know how to deal with it?

National planning now appears as a rational remedy, but, after all,

the only illustration of it we have is under the very peculiar conditions of the Soviet Republic, peculiar not only politically but because what is happening in Russia is a process of enforced accumulation of capital goods in face of a great shortage. What may happen to the Russian scheme after ten or twenty years when the productive facilities will begin to approach those of America still remains to be seen.

It is true that a great deal has been said about results already achieved by the American method of stabilization. Books have already been written on the subject, as for instance, Professor Feldman's *The Regularization of Employment* or Edwin S. Smith's *Reducing Seasonal Unemployment.* At best, such individual efforts can only deal with problems of seasonal fluctuations. Beyond that, no individual employer is big enough to be independent of market conditions. But how pitifully few are these so much advertised examples of successful stabilization, even of seasonal fluctuations. Every writer or speaker on the subject of stabilization mentions without fail some well-known examples—the Dennison Manufacturing Company, and Hills Brothers, packers of Dromedary dates, the Procter and Gamble plan which made Cincinnati famous, and .... usually stops there.

In every case of successful stabilization, very favorable market conditions have been available. Soap or paper boxes are not perishable, and comparatively little subject to sudden changes of style. A long line of railroad executives testified before Congressional committees concerning their efforts toward stabilization, but a glance at their own statistical tables and their eloquent diagrams indicates that while, for instance, in shop-crafts the number of employees is fairly steady, in the maintenance of way departments the number of occupied positions is still subject to violent fluctuations.[1] Even in the comparatively simple problem of seasonal unemployment, the task of eliminating fluctuations is prodigious. How much more difficult must it become in dealing with cyclical or technological unemployment. It is a task of decades at least, and perhaps of centuries,

[1] See, for instance, the diagram of the Chicago & Northwestern Railroad for years 1923–28, *Hearings before the Committee on Education and Labor*, United States Senate, Seventieth Congress, second session, December 11, 1928, to February 9, 1929, p. 130.

and it may well be that it is entirely beyond the power of individual and industrial concerns. Of course it is an important task. It must be grappled with, but it must not be used as an argument for delay in taking such steps as are immediately necessary.

No indictment of American industry on this score is intended, nor is the situation singular and applicable to unemployment only. Compare, for instance, the situation in the field of industrial accidents. "Better one accident prevented than ten compensated," was a slogan created by a literary president of a casualty insurance company some twenty years ago as an argument in opposition to compensation. Undoubtedly so. To counteract the force of that argument, advocates of compensation legislation insisted that through such legislation and only in this way will industrial accidents be materially and rapidly reduced. The striking success of certain individual establishments in reducing their industrial hazard should not obscure the facts which statistics of industrial accidents amply demonstrate, that the hazard curve has not been declining. Safety work is not a useless effort. The "Safety First" movement, though perhaps unduly advertised, has probably not been a failure altogether. Though it is difficult to prove it, it has probably succeeded at least in reducing the accident hazard below the level to which it otherwise might have risen. But facts are facts—that there are more industrial accidents today than there were twenty years ago, and, in the meantime, Workmen's Compensation, by distributing perhaps more than two hundred million dollars a year to the injured workmen and their families, has prevented a tremendous amount of human suffering and distress. The same argument could be easily repeated in the field of sickness or fire. For, after all, there are only a few branches of insurance, such as hail, tornado, or earthquake insurance, which, dealing with acts of God, offer no opportunity for preventive effort.

II

Of course, undue pessimism in regard to possibilities of stabilization should not be indulged in. No social problem should be confronted in this spirit of defeatism. Some prevention must be possible in the field of unemployment as it is in the field of other hazards of modern life. While the argument cannot be emphasized too strongly

that preventive effort is not an alternative to insurance, some relation between insurance and prevention undoubtedly exists.

It may as well be admitted at the outset that the immediate and direct effect of insurance—any kind of insurance—upon the individual may be contrary to the ideals of prevention. So far as care and caution are based upon fear of consequences, insurance, by eliminating the fear at least of economic consequences, may affect this caution and care. One is doubly careful—or should be—with his matches if the insurance policy has lapsed. The automobile driver who is not protected by a half-dozen different kinds of insurance policies may be—or should be—particularly careful in his driving or he may refuse to drive altogether until the insurance has been effected. Would that be a sound argument against the insurance principle altogether? Whether a sound argument or not, it has been used—as for instance in the propaganda against compulsory automobile insurance. It has been argued that such universal insurance would result in an increased accident rate by making automobile owners less careful.

This direct effect of insurance is not only inevitable but—one might venture to say—desirable. It is after all the very essence of the insurance process to eliminate excessive fear. One rather dreads to think of what cowards or at least neurasthenics we would all become in face of the various hazards of modern life, if the insurance principle did not give us some sense of security. It is this relationship that must have influenced Sir William Beveridge to speak of "the risk of demoralizing Governments, employers and trade unions so that they take less thought for the prevention of unemployment. . . . . Once it is admitted that general unemployment can be relieved indefinitely by the simple device of giving money . . . . prevention is too likely to go by the board." An American writer, non-unsympathetic to unemployment insurance, nevertheless refers to this quotation as "weighty words to be pondered carefully by every friend of unemployment insurance." With a slight editorial change, the same statement could obviously be made with reference to compensation or health insurance, perhaps less effectively to old age insurance—for try as hard as we may, one cannot prevent old age.

Perhaps it would require a more intimate knowledge of British

industrial conditions than is possible at this great distance to express an authoritative opinion as to the effect of British unemployment insurance upon British unemployment. It is, of course, comparatively easy to jump at the conclusion: Great Britain has had unemployment insurance for twenty years, and has had over two million unemployed for several years. "*Post hoc, ergo utque hoc.*" Great Britain did not succeed in eliminating or reducing the amount of unemployment. The insurance system, therefore, is responsible. With the same logical force, one could say the United States has had no system of unemployment insurance and it has now four or five or six million unemployed. Therefore, the absence of the unemployment insurance system is responsible.

What should England have done to eliminate unemployment? Is anyone absolutely certain of the right answer? Is it because England does not want to eliminate unemployment, because it doesn't care, or because it doesn't know how, or because it can't agree upon the comparative merits of the numerous suggestions made? Surely the individual worker in receipt of unemployment benefits, the one upon whom the demoralizing influence should have played with the greatest force, is not in a position to affect the unemployment condition very substantially. Of course, charges of that kind have been made. They are made largely by American observers, sometimes by British social workers, but such authoritative writers as Sir William Beveridge and Professor Mussey deny that charge.

Eliminating the workman, therefore, who is both the direct sufferer from unemployment as well as the beneficiary of the insurance system, in what way has that system demoralized the government and the employer? The employer bears a substantial part of the cost and frets. The government has had an appalling financial burden to carry. Are those the forces that would influence either the government or the employers to take less thought? Wouldn't the effect of those forces be in the diametrically opposite direction?

Here again a few analogies with other forms of insurance may be very illuminating. Compensation in this country, for instance, has been defended as one way of forcing the attention of employers upon the cost of industrial accidents, and therefore the necessity for greater safety. Health insurance has been advocated as a great

health measure. One shouldn't blow hot and cold at the same time. One shouldn't argue on one hand that insurance will help prevention because of placing the burden of the cost upon those in whose hands the possibility of prevention lies, and on the other that insurance interferes with prevention by creating a false sense of security.

The real solution of this seeming contradiction lies just in this—the insurance method, by creating a certain sense of security, by reducing excessive fear, may reduce the degree of caution on the part of the individual who is the insurance beneficiary. That to some extent is inevitable, but in lieu of this individual caution and care, it substitutes a collective preventive force by concentrating the cost of insurance within an organization whose possibilities for preventive efforts are very much greater. Thus, in accident compensation, insurance has stimulated the safety movement on the part of employers who pay the premium and on the part of the insurance carriers who pay the losses. In life insurance, it has created the life conservation movement, better vital statistics and home nursing, as practiced by insurance companies. In health insurance, it was responsible for a large number of curative and convalescent institutions, health education, and other health conservation measures. Even so, unemployment insurance has been responsible at least for the organization of the labor market through labor exchanges. It is not unreasonable to assume, difficult though it may be to obtain exact measurements, that this collective responsibility must be more effective than the individual responsibilities of the millions of insured workmen. It is, therefore, theoretically no justification for the assertion that insurance is *versus* prevention, and therefore no ethical justification for the advocacy of prevention (stabilization in case of unemployment) as *versus* insurance. There is no antagonism but, on the contrary, co-operation. The two measures are not alternatives. They supplement each other, though to a large extent they may be independent of each other.

Finally, another word of caution may be necessary. The automatic preventive influences of the insurance method may be overestimated. They have been often overestimated. Extravagant promises were made, for instance, concerning the influence of workmen's compensation upon accident frequency at the time when the

battle for compensation was raging. Extravagant statements are now even made as to the past achievements of compensation upon the accident rate. It is only natural that in proselyting for a measure of social importance, statements of this kind should occur. The various proposals for unemployment insurance in this country—Professor John R. Commons' bill, the A.A.L.L. bill, the Ohio bill, the California bill and others—all demonstrate the influence of the same thought-pattern. It is proposed by some that the entire cost of unemployment insurance be placed upon the employer, because in that way industry will be forced to realize the waste and cost of unemployment, and of course immediately proceed to stabilize itself. It is proposed that the premium rate for unemployment insurance be adjusted to the unemployment hazard in each industry so as to produce the same remarkable effects that workmen's compensation has had upon industrial accidents. No fault need be found with the ethical aspirations underlying these provisions and the reasoning in defense of them. Some skepticism may be expressed as to the economic soundness of that reasoning. Unemployment is not the same thing as an industrial accident. To a very much lesser degree does it depend upon the care exercised by an individual employer. The degree of labor turnover may depend upon his good will or judgment, but much more potent influences are those which govern the market, of which not only the individual employer but even the entire industry may be an unwilling victim. To stabilize an industrial plant, or even an entire industry, we must first learn how to stabilize the market. Until we are ready to restrict the freedom of the consumer's choice in his "pursuit of happiness" guaranteed by the Constitution, we cannot expect the individual employer to control the unemployment situation. Surely not so far as cyclical or technological unemployment is concerned, which is much more important in its destructive effect upon standards of life than simply seasonal fluctuations.

The inadequacy of this line of reasoning becomes particularly evident when all these bills are examined. Not to frighten industry by the excessive cost of unemployment insurance, a maximum of 2 per cent, or at most 3 per cent, of the pay-roll is provided for as the employers' contribution. When some industries have a regular loss

of time from 10 per cent to 25 per cent or 30 per cent, the 2 per cent or 3 per cent cost can provide only a very small amount of compensation to the workman. The provision which is found in almost all those bills, that the amount or duration of the unemployment benefit must be reduced in those industries and that the total cost shall not exceed the maximum of 2 per cent or 3 per cent, practically nullifies both the relief and preventive effectiveness of these bills in certain industries. The same tendency to blow hot and cold at the same time—on one hand to create a force for prevention by making industry responsible, and on the other hand to calm the employers' opposition by holding the cost within narrow limits—produces results which are nearly absurd.

The fundamental fault of this approach is in its economic reasoning in the disregard of the realities of economic life. Violent fluctuations, whether seasonal or cyclical, are never the result of intentional policies of the employer. Whatever the apparent saving of wages may be, overhead charges remain undisturbed. The loss to the employer and industry out of such irregularities of employment is very much more than the maximum provided in the unemployment insurance bills. Rents, salaries, interest charges, maintenance of plant, the cost of these is many times the 2 per cent or 3 per cent of the pay-roll. If all these factors by themselves are not sufficiently potent to produce a stabilized plan, why put such naïve faith in the influence of the insurance premium charge?

Prevention and insurance are not opposed to each other. Stabilization of industry and unemployment benefits are not opposed to each other. They are both extremely necessary and important developments in the field of economic and industrial relations. There is that difference between the two, however: *We know exactly what to do* to create an unemployment compensation scheme and thus at one stroke eliminate most of the *human cost* of our industrial disorganization. On the other hand, *we know very little* about the proper methods of stabilizing industry and reducing the economic waste. And as between the human waste and the economic waste, the human waste is very much more pressing. Let us, therefore, realize quite clearly the limitations of the unemployment insurance process. Let us realize those limitations not for the purpose of objecting to

it but so as not to expect the impossible from it. Unemployment insurance has not eliminated unemployment in Great Britain, nor will it eliminate unemployment in the United States. It didn't because it couldn't. Sufficient progress will have been made if unemployment insurance will prevent the kind of demoralization of millions of wage workers which we are witnessing in our own country today.

There is, however, that much to be said about unemployment insurance which may be utterly inapplicable to compensation in so far as the root of the evil must be found in the disorganization of the market, in so far as stabilization of industry can only follow stabilization of the market. Unemployment insurance does introduce a stabilizing force of tremendous importance. A hasty computation would indicate that a decent unemployment insurance law, if it were universally applicable to the entire industrial population of this country, would preserve a consumer's demand of perhaps from a hundred to a hundred and fifty million dollars a week. Would that not have been a sanitary influence in balancing conditions in this country during 1930? How much of the catastrophic condition toward the end of 1930 was due to the collapse of retail trade earlier in the year, because of the withdrawal of the purchasing capacity of the unemployed as well as of the many more millions of working people who were frightened that they might be soon among the unemployed. A restoration of this consumers' demand might be more effective than the signs "Do Your Buying Now" spread over the pages of the popular weeklies or displayed in the taxicab windows. A restoration of a purchasing power of half a billion dollars a month might have acted like the balance of a fly-wheel.

Why didn't the unemployment insurance system have that effect in England, one might ask. But how does one know that it didn't? The critical condition of British industry to a very large extent was due to the loss of its foreign markets. That, a domestic unemployment insurance system could not have affected. But by general admission, the standard of life of the British masses was not allowed to deteriorate, which means that internal consumers' demand was not affected too much. It is only reasonable to suppose that had England no protection through its unemployment insurance scheme,

its industry and trade would have broken down to a very much more alarming extent than it did.

By all means let us go on talking stabilization, studying it, experimenting with it, but unless an unemployment insurance system results from the crisis of 1930, it is not difficult to foretell that a similar situation, perhaps very much worse, will again confront us in five, or six, or seven years from now.

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A SCORING SYSTEM FOR THE EVALUATION OF SOCIAL CASE WORK

THIS system of evaluating social case work was developed and used in a recent study of family welfare agencies in Cincinnati by the Helen S. Trounstine Foundation. It has been applied to over one hundred cases, and it is believed that this experience has made some contribution to the widely felt need for a means of measuring the quality and results of social case work. It offers at least a basis for further experimentation and study.

The method was devised for research purposes rather than for use by case workers or supervisors. It is, however, capable of modification either in the direction of greater elaboration or simplification, and it may thus be adapted to suit the purposes of case workers or supervisors or studies of somewhat different degree of intensity from that made in Cincinnati. The importance of some method of determining the effectiveness of the work of a given agency, case-work method, or individual is apparent to all familiar with the situation in the field of social case work.

Development of the system.—In developing this method of measurement, the author had the valuable counsel and assistance of a notable group known as the National Advisory Committee, members of which were Frank J. Bruno, E. G. Steger, L. A. Halbert, Allen T. Burns, Raymond Clapp, Edward D. Lynde, Porter Lee, L. B. Swift, Francis H. McLean, Ralph G. Hurlin, and Otto W. Davis. The author himself, however, accepts full responsibility both for the general idea and for the detail of the method.

In more elementary form the scoring plan was first tried out on 24 cases chosen at random from the files of the Cincinnati family agencies. These cases were carefully summarized, and the summaries scored by most of the members of the National Committee, by executives of the agencies concerned, and others.

When the scores received were placed on dispersion charts (see copies herewith) they showed a decided tendency to group about a median for each case, the interquartile range being narrow as com-

pared with the total range of the chart. It was clearly evident that there was a consensus of opinion in scoring some cases low and others high. Some of the scores were erratic as compared with the majority, but this was not considered by the Advisory Committee to invalidate the method in as much as differences of viewpoint on the part of the scorers and failure in some instances fully to understand the method might explain such deviations.

As a result of this trial of the method the Committee, although having in common with the author the feeling that it needed further testing and development, approved its use in the Cincinnati study. With the co-operation of the local agencies, 101 case histories were finally summarized by the Trounstine Foundation staff and scored by Evelyn P. Johnson, representing the American Association for Organizing Family Social Work, Otto W. Davis, representing the Cincinnati Community Chest, and Ellery F. Reed, representing the Helen S. Trounstine Foundation. Some of the cases were also scored by representatives of the agencies themselves.

Changes made.—This account of the scoring sheet and its use includes several refinements of the system as applied to most of the cases in the Cincinnati study. The changes were the result of the experience of scoring 101 cases. The system as here described was actually applied to five supplementary cases and to several others since the study was completed.

The system does not attempt to evaluate all phases of case work.—This system does not attempt to answer all the important questions which need to be asked from time to time about case-working agencies nor is it intended to be a suitable tool for every type of study, but it is applicable to the study of any type of case work as far as the questions which it attempts to answer are concerned, provided reasonably good records are available.

The things which the system does attempt to evaluate.—The things which the system does attempt to rate are:

1. The quality and promptness of Investigation.
2. The quality and promptness of Diagnosis and Plan of Treatment.
3. Treatment itself with respect to the following questions:
   a) To what extent was the *Adjustment* of the client achieved?
   b) At what rate did this *Adjustment* take place?

SCORING SHEET FOR SOCIAL CASE WORK

(Showing the Scoring of a Sample Case)

Agency Family Welfare Association Person Scoring E. F. Reed Date April 2, 1930
Name of Client Harris Period of Treatment Scored 1-12-29 to 5-24-29

Human material as to possibilities of adjustment: (a) good x (b) fair ____ (c) poor ____
Adequate time for adjustment of problems was: (a) less than 3 mos. ____ (b) 3 mos. to 1 yr. x (c) 1 yr. or more ____
Intensity of treatment should have been on the whole: (a) slight ____ (b) moderate x (c) intense ____

	Merit	Tempo	Average
Investigation—(Was it adequate and purposeful?)	95	95	95
Diagnosis and Plan of Treatment—(Was the maladjustment rightly analyzed and the case as whole intelligently approached?)	95	95	95

(1) Accom. Score	(1) Accom. Score Weighted		(2) PROBLEMS	(3) Weight	(4) Duration	(5) Weight (4)	(6) Adjustment	(7) Weight (6)	(8) Credit	(9) Weight (8)	(10) Merit	(11) Weight (10)	(12) Tempo	(13) Weight (12)
.....	.....	1	Under employment (1-12-29 to 1-30-29)..... (D)	10	.6	6	100	1000	0	0	95	950	95	950
.....	.....	2	Debts (1-12-29 to 5-24-29) (D)	10	4.4	44	100	1000	100	1000	100	1000	100	1000
100	300	3	Planning diet and care of children (1-12-29 to (5-24-29) (T)	3	.....	.....	.....	.....	.....	.....	100	300	100	300
100	1000	4	Need of relief (1-12-29 to 1-30-29) (T)	10	.....	.....	.....	.....	.....	.....	100	1000	100	1000
100	500	5	Necessity of moving to suitable but cheaper apartment (1-2-29 to 1-28-29) (T)	5	.....	.....	.....	.....	.....	.....	100	500	100	500
100	1000	6	Assisting woman and man to adjust psychologically to eviction, letting furniture go, and accepting relief (1-12-29 to 2-20-29) (T)	10	.....	.....	.....	.....	.....	.....	100	1000	100	1000
100	1000	7	Assisting woman and man to plan budget (1-12-29 to 4-23-29) (T)	10	.....	.....	.....	.....	.....	.....	100	1000	100	1000
50	100	8	Securing better relationship between woman and sister (1-12-29 to 5-24-29) (T)	2	.....	.....	.....	.....	.....	.....	100	200	100	200
90	180	9	Securing co-operation of other relatives (1-12-29 to 4-23-29) (T)	2	.....	.....	.....	.....	.....	.....	90	180	90	180
Total	4080		D	20	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	97.3		T	42	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total (3) (5) (7) (9) (11) (13)				62	xxx	50	xxx	2000	xxx	1000	xxx	6130	xxx	6130
Weighted average of (5) (7) (9) (11) (13					xxx	2.5	xxx	100	xxx	50	xxx	98.8	xxx	98.8

Investigation Score = 95
Diagnosis and Plan of Treatment Score = 95
Adjustment Score = 100
Coefficient of Adjustment = 4.8

Credit Score = 50
Merit Score = 98.8
Tempo Score = 98.8
Accomplishment Score = 97.3

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c) How much did the agency have to do with the Adjustment, or how far must the agency be recognized as essential or deserving of *Credit* for the Adjustment which is observed in the client?

d) To what extent was the agency successful in *Accomplishment* of the specific things which needed to be done by the agency in the treatment of the case?

e) How good was the technique or methods of the agency, in other words, what was its *Merit* in respect to treatment?

f) How promptly did the agency act as compared with what it should have done; in other words, what was the *Tempo* of the agency?

The system is an effort to systematize, analyze, and record evaluative judgments of social case work in brief and concise forms.—This system of evaluation provides a definite analytical procedure to which each case is subjected. Each case is broken down, as it were, into its elements or problems, and each of these is subjected to several tests which call for the judgment of the analyst item by item and require a definitely recorded reaction, not to the single item considered in isolation, but rather in its relation to the whole case. The final judgment on the case is the synthesis of these many detailed judgments. This synthesis is made possible by the use of numbers as the medium of expression.

Numbers or scores as a medium of expressing evaluative judgments.—Numbers have many advantages for evaluation of any kind. Matters of degree find in them a perfectly graduated means of expression. They reduce numerous judgments on many and varying cases to a common denominator and thus facilitate comparison. They are concise, quickly written, and quickly read. Numbers make possible all the devices of statistical method. The scorer weights the judgments on certain items heavily and on others lightly, according to their importance. Numbers make possible the minimizing of the personal equation by averaging the scores of different people on the same case, and in turn, the averaging of the average scores on all of the cases of the same classification for a given agency.

The scores are, of course, in a sense, index numbers and not the enumeration of definite units of measure. The field of usefulness of index numbers lies precisely in the realm of the intangible where absolute values or complete measurements are impossible. Index numbers have therefore been found indispensable in the develop-

ment of mental measurements and indications of the cost of living and have been widely used in academic and civil service examinations.

To avoid an evident tendency to interpret numerical scores as exact measurements making possible fine-drawn distinctions between agencies or case workers, it has been suggested that the numerical scores be finally converted into letters such as *a*, *b*, *c*, *d*, or qualitative adjectives such as excellent, good, fair, or poor. This, however, was not done in Cincinnati.

The scale of 100 was undoubtedly more refined than necessary. As a matter of practice the scorers used round numbers, multiples of 10 or 5, almost entirely. The scale of 100, however, is widely used for other purposes, is generally understood, and is convenient.

Qualitative measurement of social work can never be wholly objective or exact but relative accuracy is possible.—Social case work can probably never become an exact science with absolute and objective measurements of accomplishment or evaluation of method, but this should not delay the development and use of means for systematizing and recording analyses and judgments in such manner as to make them as concise, reliable, and comparable as possible. The administration and progress of social work require evaluative judgments of policies and methods and such are, in fact, constantly being made, but they are being made often on the basis of theory, general impression, opinion, or faith. There is, however, increasing protest by the more thoughtful executives and students against such unscientific procedure. We have therefore sought a system of measurements that can record and bring together in brief, definite terms a consensus of competent opinion arrived at through systematic analysis of typical case histories. Such measurements should be far more accurate and scientific as bases for policy and action than unsystematized judgments arrived at on the basis of general impressions.

Scores alone are not sufficient.—As in mental testing, the scores alone will not be satisfactory unless accompanied by interpretative and supplementary material. The back of the scoring sheet is intended for the recording of such material and for comments on points which are not touched upon by the scores or for explanations of the scores given.

A regular questionnaire on the back of the sheet proved valuable in Cincinnati. The questionnaire was as follows and was filled out for each case by the scorers:

I. A. Was the agency right in accepting this case for treatment?
   B. Should some other agency have assumed responsibility for the case?
      1. From the beginning?
      2. At some later date?
   C. Would the case, in your opinion, have been better off left to itself from the beginning?
II. Should the case have been closed sooner than it was? If so, approximately how much sooner?
III. Was there evidence of effective co-operation with other agencies where such was needed?
IV. Were directions of doctors and clinics well carried out?

Very interesting results were secured by tabulating the answers to each of these questions under the captions: Yes, No, Partial or Doubtful, and Did not Apply.

Space was also provided on the back of the Cincinnati scoring sheet for general comments supplementing or explaining certain scores given on the case, or for criticism or comment on the way in which the case was handled by the agency. When the scoring was finished a review of these general comments was found to yield material of essential value which supplemented and interpreted the scores. The conclusions of the study thus did not rest entirely on the scores. A considerable list of specific points of strength and weakness in the work of the agencies was made up on the basis of these data recorded on the back of the scoring sheet.

Accurate scoring requires a thorough knowledge of the case.—The value of the scores depends not only on the good judgment and case-work competence of the scorer but also upon his sure grasp of the essential facts in the case. A careful factual summary or better still, the case record itself, should be read carefully and notes made. It goes without saying that the better the record the more accurate the scores can be.

In this connection, it should be added that the Cincinnati Scoring Committee welcomed any additional information not included in the record which might be in possession of the agency. Such information was added in the form of supplementary notes to the case summary.

These summaries or abbreviated records were produced with great care and at the expense of much time and labor by an especially employed personnel of the Trounstine Foundation and under the competent supervision of one person. Each summary was submitted for approval to the appropriate agency and any necessary corrections or additions made. It would not have been a very great task to do the scoring had the scorers been previously familiar with the cases. This fact is significant for the case worker or supervisor who may contemplate experimenting with this plan of measurements.

Some kind of rating of the case records themselves would be desirable.—If the scorer studies the record itself rather than a summary prepared by someone else it would be desirable regularly to enter on the back of the scoring sheet comments or scores on the quality of the record as such. This was not included in the scoring scheme developed in Cincinnati because the scorers were using summaries rather than the records themselves. However, as the quality of the record more or less affects the scores, it is felt that some kind of rating of the case history or record itself would be desirable.

Standards of scoring.—No absolute standards for scoring have been thought desirable, for possibilities of adjustment and intensity of work justified are determined by the quality of human material and circumstances in each particular case. Scores must be given in light of the character, needs, and possibilities of each case.

The scores, however, were given without regard to the limitations or handicaps inherent in the visitor or agency. Such limitations may, in part at least, explain some of the scores but the scores would be meaningless if altered or adjusted to the deficiencies of the agency or worker.

It has not, however, seemed advisable to follow a counsel of perfection as a standard, but rather what was reasonably attainable or practical, taking into consideration the human material, the conditions and circumstances of the case, and the community resources available.

The Cincinnati experiment, as graphically portrayed on the dispersion charts, No. I and II, indicated the gradual emergence of standards for social case work, although such are admittedly highly subjective and relative. The Scoring Committee of three found that

in the great majority of cases the scores which they gave independently were fairly close together. In cases of wide variation discussion usually revealed that one or more of the Committee had overlooked or failed fully to catch the significance of some fact in the case summary.

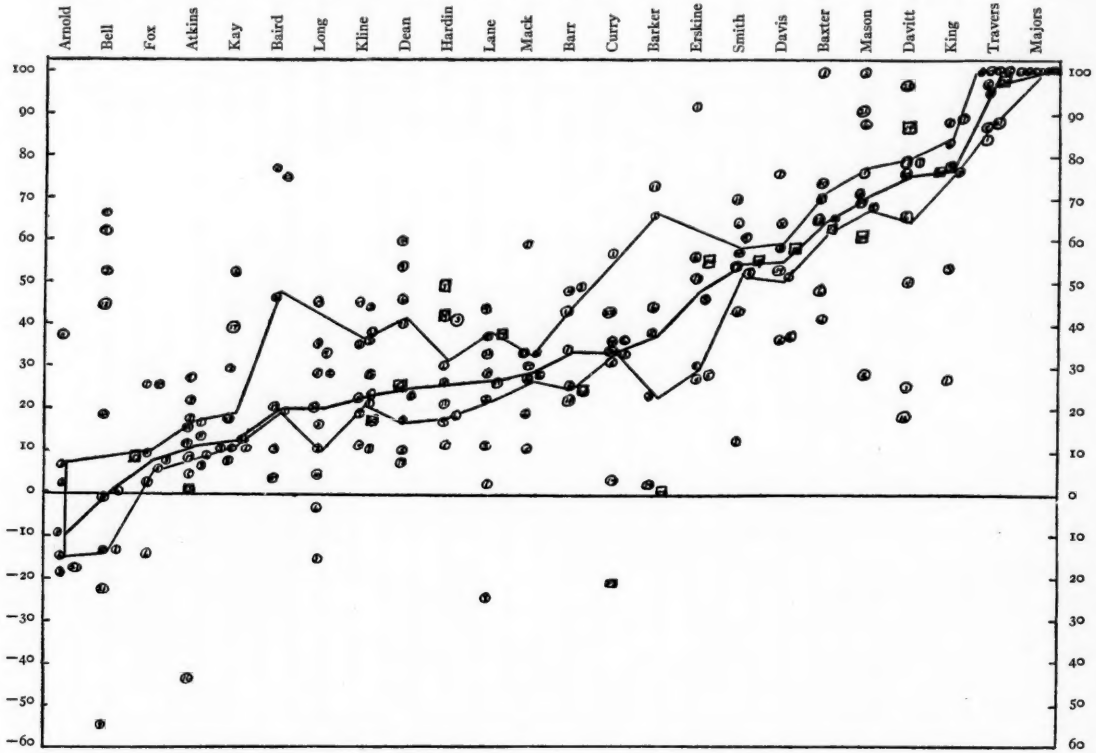
Comparison of scores between agencies.—The Cincinnati experiment revealed much difficulty in securing correct interpretation of the scores by those not directly associated with the undertaking. There was particularly a tendency to interpret the scores too literally as exact measurements based upon absolute and fixed standards making possible fine-drawn distinctions between agencies. This of course was never intended, and in fact was warned against, for the scores were relative to the human material and circumstances of each case and the peculiar position, responsibility, and relationships of each agency in the community. The prevailing social and economic conditions, such for example as widespread unemployment, also greatly affected the standard of scoring in some cases. The standards of scoring therefore differed for each agency and each case.

The scores, however, were felt to be reasonably subject to comparison provided they were interpreted as relative to all of these things. The Adjustment Scores should be compared only as expressing the degree of adjustment of the clients actually achieved as compared with what might reasonably have been expected in view of the limitations of each case. Since the standards of Adjustment were raised for good human material and other favorable circumstances of the client or community, these differentials between cases and agencies were largely eliminated and the scores to some degree made comparable. It was still thought wise as an assistance to interpretation to indicate, in connection with the scores, the grade of human material represented.

The Merit and Tempo Scores expressed the judgments of the Committee on the quality and intensity of the work actually done by each agency as compared with what it should have done on the cases scored. With such interpretation these scores could be compared, but only with the understanding that the standard of judgment was different for each case. For example, in the case of the intelligence quotient the standard is not the same for all children

CHART I

DISPERSION CHART SHOWING MEDIAN, INTERQUARTILE RANGE, AND SCATTER OF REHABILITATION SCORES ON EACH CASE



The numerals within circles represent individual scorers. The numerals within squares represent the scores of the agencies on their own cases.

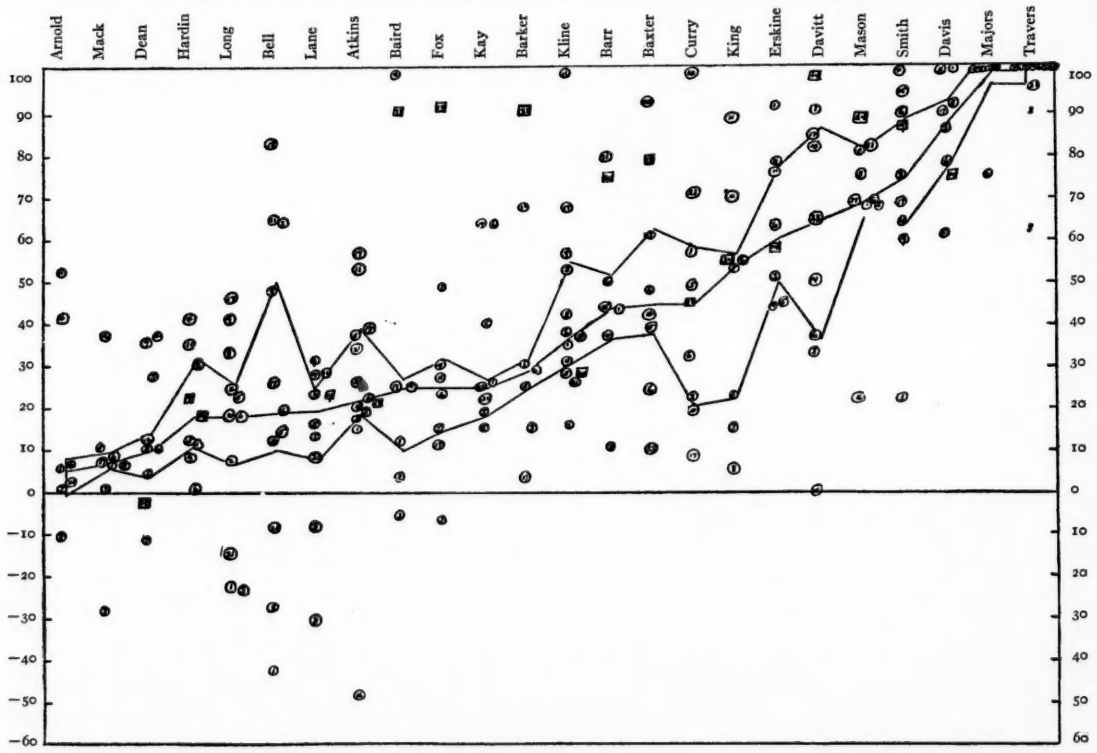
CHART II

DISPERSION CHART SHOWING MEDIAN, INTERQUARTILE RANGE, AND SCATTER OF MERIT SCORES ON EACH CASE

The numerals within circles represent individual scorers. The numerals within squares represent the scores of the agencies on their own cases.

CHART II

DISPERSION CHART SHOWING MEDIAN, INTERQUARTILE RANGE, AND SCATTER OF MERIT SCORES ON EACH CASE



The numerals within circles represent individual scorers. The numerals within squares represent the scores of the agencies on their own cases.

but differs according to age. Comparison of the I.Q. is possible between children of different ages precisely because the measurement is not absolute but relative to what can normally be expected of each child according to his age.

Because of the relativity of standards some cases representing more advanced case work received lower Merit scores than others calling for simpler treatment, just as a child of twelve may receive a lower I.Q. than another child of seven in spite of the fact that the older child is doing school work grades ahead of the younger one. The analogy does not, of course, hold in all particulars, but it does bring out the idea of the comparability of scores based on a relative and adjusted standard.

Because of the difficulty of securing an objective and correct interpretation of the scores, it was finally decided to eliminate from the published report of the Cincinnati study the average scores of the respective agencies.

The conference method.—In the Cincinnati study of family welfare work, it was found to be valuable for the three persons who did the scoring to meet and discuss the scores after each had separately studied and scored the case. Many of the scores were found to be substantially the same and discussion of those that differed more widely usually resulted in bringing out facts and viewpoints that had been overlooked by some of the scorers. Agreement was thus usually arrived at without difficulty and practical unanimity of scores resulted in the majority of cases. Even after discussion, however, there were instances of differences of opinion which resulted in independent scores and it was felt that this was natural and not undesirable. The final scores for each case were arrived at by averaging the final scores of each of the three scorers. A balance was thus struck which tended to neutralize what might possibly have been extreme viewpoints.

In Cincinnati a tentative list of problems had been made out in advance for each case by the author. This proved greatly to facilitate the work of the Scoring Committee for with comparatively little change these problems were accepted by the other members of the Committee. If this plan had not been followed it would have been necessary for the Committee to have met twice on each case, once

for the analysis and statement of problems and once for the discussion of scores.

In the Cincinnati experience no representative of any agency was present at the conferences on scores. The agencies were asked to score the cases but to do so separately. This now is felt to have been

TABLE I

COMPARATIVE AVERAGES OF COMMITTEE AND AGENCY SCORES IN CINCINNATI FAMILY WELFARE STUDY

Agency	Number of Cases	Investigation Score	Diagnosis Score	Rehabilitation Score	Coefficient of Rehabilitation	Credit Score	Merit Score	Tempo Score
Agency A	10							
Committee				75	1.11	72	76	67
Agency (nine cases on Tempo)				83	0.97	81	85	80
Agency C	7							
Committee		*67	*79	52	.25	41	65	67
Agency		*97	*75	53	.24	52	70	73
Agency D	13							
Committee				42	.56	38	42	42
Agency				36	0.48	35	55	62
Agency F	7							
Committee				54	3.00	32	24	20
Agency				56	3.20	48	61	66
Agency G	7							
Committee				47	4.84	29	33	17
Agency				54	3.90	48	83	57
Agency H	1							
Committee		62	30	14	0.25	5	31	37
Agency		63	50	26		9	45	82

* Four cases only were scored on Investigation and Diagnosis.

a mistake, for the agency representative could have thrown more light on the cases than could be had from the summaries or records, and the agencies, on the other hand, would have better understood the reasons for some of the Committee scores. The agencies would also have better understood the method itself.

Agency versus committee scores.—Table I presents the average of Committee and Agency scores. The agencies were at a disadvantage in not being entirely up to date in their knowledge of the scoring

system and did not have the benefit of the detailed discussion of the method which took place in the meetings of the committee.

It will be observed that the Rehabilitation Scores, as they were then called, and which represented the progress of the client toward adjustment, are fairly close for all agencies and remarkably so for some. The Coefficients are also close which follows from the fact that the Coefficient is derived from the Rehabilitation Score plus the average duration of problems. The remaining three scores, Credit, Merit, and Tempo (explained below) are fairly close for agencies A, C, and D, and quite divergent for agencies F, G, and H. The latter agencies did the poorest work according to the scores of the Committee and the divergence in scores is caused uniformly by the scores of the agencies being higher than those of the Committee. In general, however, the scores of these agencies themselves are not complimentary to their own work.

The period scored.—The period covered by the scores included the years 1927, 1928, and the first half of 1929. Many of the individual cases covered only a part of this period; some covered much more. In the latter cases only the recent period was scored. Some natural dividing point, such as a period of inactivity, was determined upon in each case from which the intense study and scoring was begun. No case was scored which had not run long enough to make certain that real problems existed for which the agency had accepted responsibility and long enough to show some definite results. The minimum period thus differed for different cases. All the cases were either active or recently closed.

A further experiment was tried February, 1930, in choosing at random five additional cases from the files of one of the agencies and scoring them independently. The three members of the Committee at that time were separated so that it was impossible for them to consult each other concerning the scores given. In Table II the scores given by the different committee members, together with averages, are tabulated for each of the five cases. It will be noted that scorer number three was quite consistently more severe than the other two. It is clearly apparent that although the scorers differed considerably in some cases, all three scorers agreed in scoring the first three cases low and the last two, namely, Turner and Young, high.

Also it is interesting to note that there was a surprising degree of unanimity in the classification of human material as to the possibility of adjustment, time needed for adjustment, and the intensity of treatment needed.

TABLE II

COMMITTEE SCORES FOR FIVE ADDITIONAL CASES

(The Scores Stand as Given Independently by the Members of the Scoring Committee without Consultation)

Key to classification as to Human Material, Adequate Time, Intensity of Treatment: Human material as to possibilities of adjustment: (*a*) good, (*b*) fair, (*c*) poor. Adequate time for adjustment of problems was: (*a*) less than three months, (*b*) three months to one year, (*c*) one year or more. Intensity of treatment should have been on the whole: (*a*) slight, (*b*) moderate, (*c*) intense.

Client	Human Material			Time for Adjustment			Intensity of Treatment			Investigation Score	Diagnosis Score	Accomplishment Score	Adjustment Score	Coefficient of Adjustment	Credit Score	Merit Score	Tempo Score
	a	b	c	a	b	c	a	b	c								
Blow:																	
Scorer 1			√			√		√		25	50	36.2	5.8	0.04	5.8	31.0	32.8
Scorer 2			√			√		√		30	25	40.6	30.6	.14	30.6	38.1	32.6
Scorer 3			√			√			√	10	10	18.8	−57.2	−0.26	0	10.0	10.0
Average										21.6	28.3	31.9	− 6.9	−0.03	12.1	26.4	25.1
Fraley:																	
Scorer 1		√			√		√			50	70	31.2	66.6	0.48	50.0	29.1	29.1
Scorer 2		√		√			√			60	50	19.0	63.0	.48	56.0	37.5	37.5
Scorer 3		√			√			√		25	15	5.0	− 3.7	−0.03	0	6.4	4.3
Average										45	45	18.4	42.0	0.31	35.3	24.3	23.6
Jackson-Moreland:																	
Scorer 1			√			√		√		25	25	26.8	0	0	0	31.4	31.4
Scorer 2			√			√		√		50	60	31.8	23.1	0.25	23.1	48.0	48.0
Scorer 3			√			√			√	20	20	36.8	−43.8	−0.60	−20.0	30.3	22.0
Average										31.6	35	31.5	− 6.9	−0.12	1.0	36.6	33.8
Turner:																	
Scorer 1		√			√		√			80	82	92.3	37.5	0.74	37.5	84.6	77.5
Scorer 2		√		√					√	90	90	86.9	33.4	.66	33.4	88.5	88.0
Scorer 3		√			√				√	90	90	74.0	25.0	0.49	25.0	86.0	84.0
Average										86.6	87.3	84.4	32.0	0.63	32.0	86.4	83.2
Young:																	
Scorer 1			√		√			√		75	75	56.4	25.0	0.60	25.0	84.0	84.0
Scorer 2			√		√			√		82	82	58.5	37.5	90	37.5	79.5	79.8
Scorer 3		√			√			√		90	90	66.6	16.7	0.40	16.7	91.2	89.0
Average										82.3	82.3	60.5	26.4	0.63	26.4	84.9	84.3
FINAL AVERAGES										53.4	55.6	45.3	17.3	0.28	21.4	51.7	50.0

THE USE OF THE SCORING SHEET

The scoring system underwent considerable evolution as a result of experience and the system as described below is in some respects a modification of that which was applied to the original 24 cases and

to the balance of the 101 cases which constituted the main body of the study. It has been applied as described, however, to 5 additional cases included later in the study and to several others sent in for scoring from other cities.

Identifying items at top of scoring sheet (see sample copy herewith). —These items proved important and saved time and confusion.

Human Material, Adequate Time, and Intensity.—These questions at the top of the scoring sheet provided for a rough classification of the cases. This classification involved the orientation of the scorer to the case and brought out some of the presuppositions or standards by which he was to judge the case and determine the scores. The standard of adjustment for good human material was usually higher than for poor material. If it was decided that under the circumstances a given case should receive only slight treatment, the Merit and Tempo Scores were given on an entirely different basis than if the scorers considered the case one which should receive intense treatment.

Investigation and Diagnosis Scores.—These scores were given in the light of the case as a whole. It was not the first investigation or the first plan only that was considered, but rather these elements as they ran throughout the case history. Both the character of the case and the community conditions and resources were kept in mind in giving these scores. The scores on Merit and Tempo meant the same here as when related to treatment of problems and as explained below.

Column 1—Accomplishment Scores.—In the left section of Column 1 were entered the scores on Accomplishment for Problems of Treatment (see explanation of problems below). The purpose of the Accomplishment Score was to register the judgment of the scorer as to how completely the agency had accomplished the specific objectives of treatment indicated by the Treatment Problems. The same scale of scores was used as for the Adjustment, Credit, and Merit Scores as explained below.

Column 2—The Problems.—In Column 2 were entered all of the problems clearly evident in connection with the various individuals and the family as a whole.

As the study progressed it became apparent that there was no

more difficult or vital part of the scoring system than the analysis and statement of problems. In reading the case history, notes were kept of each problem as it appeared, the date, the person in whom it centered and the date when it disappeared or reached the point where it no longer demanded treatment.

For the purpose of this scoring system three types of problems were distinguished:

(1) Problems of Status. These were problems in themselves incurable or not directly amenable to treatment such as old age, feeblemindedness, and widowhood. All that the agency could do was to so order circumstances as to bring about the most suitable adjustment of the client to the given status. Problems of Status while needed to color the case picture were not scored.

(2) Problems of Deviation. These were problems arising out of departure of the individual or family from certain norms which were necessary for self-maintenance or independence. They were more or less possible of adjustment and might disappear or cease to be problems. Examples were alcoholism, ill health, mental or physical, unemployment, behavior or personal relationship problems, insufficient wage, lack of skill, and old age dependency.

(3) Problems of Treatment. These were problems which the agency encountered in carrying forward the processes of treatment. In a sense the incidence of this type of problem rested with the agency. Often it was seen to be a very real problem for the agency to determine the fitness of a mother to care for her children, to secure a psychiatric or physical examination, to secure regular attendance at the clinic, to give relief adequately and wisely, to secure the work record or hospitalization of a client.

Problems of more than one type were sometimes listed relative to the same maladjustment, as for instance, "tuberculosis," and, "to secure hospitalization." "Tuberculosis" was a Problem of Deviation while "to secure hospitalization" was a Problem of Treatment.

In the case of a family suffering from insufficient income, need of relief was often a Problem of Treatment. The most serious Problem of Deviation in one such case was that the father was suffering from hernia. A Problem of Treatment here was "to secure the man's cooperation in submitting to an operation." "Need for relief" and

"need for operation" were listed as Problems of Treatment, as distinguished from "hernia" and "unemployment" which were classified as Problems of Deviation.

When a Problem of Treatment was entered on the scoring sheet it was indicated by the letter (T).

No problems were listed except those on which the scorer believed the agency should have worked and they were not dated as beginning before such time as the agency should have begun treatment.

Psychological problems were listed and scored as well as the more obvious material problems provided there were data in the case history or summary making possible the recognition of such problems, subsequent changes in their status, and treatment related to them.

In listing Problems of Deviation some were listed which were more or less related to others. For illustration, in one family there were listed the three Problems of Deviation "drunkenness," "inadequate income," and "family discord." It is conceivable that any one of these problems might have existed without the other two but it seemed fairly certain in this case as in many others that each of these problems was more or less causative of the others.

The effort was made to list those problems which the agency had been successful in meeting as well as those in which the agency more or less failed.

Column 3—The weighting of problems.—In Column 3 the scorer put down opposite each problem some numeral from 1 to 10 according to the relative importance of the problem in the case which he was scoring. The most important problem or problems were weighted 10 and the others in proportion according as their importance impressed the scorer. For instance in a case in which the breadwinner was disabled by tuberculosis, "tuberculosis" was weighted 10, but a tubercular condition of a minor child, since it would not to the same extent involve the fortunes of the rest of the family, might be weighted 5 or even less according to the severity of the disease. Problems of Treatment as well as Problems of Deviation were weighted. The final scores were thus affected much more by the important than by the unimportant problems.

Column 4—The duration of problems.—In Column 4 were entered the number of months during which each Problem of Deviation had

persisted subsequent to the date on which the agency should have begun work on it. This column was not filled in for Problems of Treatment.

Columns 1—(left), 5, 7, 9, 11, and 13.—These columns were provided for convenience in entering the weighted scores and were not to be filled in by the scorers. The weighted average duration of the problems (Column 5) was secured instead of the plain average in order that the passage of time in connection with the important problems should be counted as of greater import than that in connection with the less important problems.

The weighted duration for Column 5 and the weighted scores for Columns 1, 7, 9, 11, and 13 were secured by multiplying the duration entered in Column 4 and the scores entered in Columns 6, 8, 10, and 12, respectively, by the weight entered opposite in Column 3.

Column 6—The Adjustment Score.—Adjustment of a client relative to a given Problem of Deviation was defined as such desirable or appropriate improvement in the condition or situation as made unnecessary further treatment by the agency.

The character of the human material, the circumstances of each case, and the community situation determined in each instance the standard to which the Adjustment Score was relative. All of these elements which were beyond the control of any agency entered in to determine at what point the services of the agency might wisely cease. Comparatively superficial adjustments when poor human material was involved sometimes received as good scores as real personality adjustments when such were thought possible and practicable. This tended to neutralize the many differentials between cases and to make the scores comparable, for it is evident that the advantage accruing to certain agencies from having a superior group of clients and limited case loads were to some extent offset by the higher standards of adjustment which were applied. It will be noted, however, that the Adjustment Score was used to indicate the degree of adjustment or improvement achieved by the client, irrespective of whether the agency had anything to do with such improvement.

The range of possible scores on Adjustment for each problem was −100 to +100. Zero was used to indicate no change in the situation either for good or ill. If progress was made the scorer entered a plus

(+) score that expressed his opinion of the degree of progress that had been made to date. If the problem-condition had gotten worse, a minus (−) score was given.

In determining the Adjustment Score the whole period of the duration of the problem was taken into account. For example, a client who habitually lost or quit his job was not considered adjusted merely because he happened to be working on the last date of record-entry. The scorer considered how long he had held the job, what were the underlying causes of the client's instability, and evaluated what progress he had made in overcoming these more fundamental difficulties.

The Adjustment Score was used only for Problems of Deviation.

Problems of Treatment were not scored for Adjustment. This score was designed to record the progress of the client. It is evident for example that physical or psychiatric examinations or material relief do not in themselves cure the client or eliminate any maladjustment. These Problems of Treatment are problems for the agency and consequently are scored on Merit and Tempo only.

Column 8—The Credit Score.—The score entered in this column represented the scorer's judgment of the credit due the agency for adjustment of the client and was on the same scale as the Adjustment Scores, i.e., −100 to +100. It was provided to answer the question: How much did the agency have to do with the adjustment in respect to each of the problems? Would this family, as a matter of fact, have gotten on just as well without the agency? Adjustment may have taken place and a plus 100 score may have been entered in Column 6 for a given problem, but the agency may be able to claim no credit whatever for the result and consequently a score of 0 be entered in Column 8. Clients of social agencies, like doctors' patients, sometimes recover independently of, or even in spite of, treatment.

The Credit Score was given only in respect to Problems of Deviation.

In case of Problems of Treatment no Adjustment Score was given and consequently no Credit Score.

As a rule no Credit Score was given higher than the corresponding Adjustment Score, except in case the latter was a minus quantity,

in which case a Credit Score o rather than a minus quantity was given provided the scorer felt that the agency was not responsible for the deterioration of the client.

In some cases the scorer felt that, although the client had made no progress or had even degenerated, the agency had had a sustaining influence and had at least stayed the progress of degeneration. In such a case, a plus Credit Score was given even though the Adjustment Score had been zero or a minus quantity. Vice versa, it is conceivable that a client might make progress in spite of the wrong influence of the agency. In such a case a minus Credit Score could be given following a plus Adjustment Score.

Often when the Adjustment Score was o, the Credit Score was also o, for very commonly when the status of a problem had remained unchanged, the agency had done nothing and consequently had not influenced the situation.

Full credit was given if the agency had done its full part providing always there was reason to believe that the treatment rendered was really a vital factor in accomplishing results. For example, if venereal disease was the problem and the agency, by perseverance and tact, had secured the necessary co-operation of the client in attendance at clinic and an improvement of health was noted at the time of scoring which the scorer rated at +75 (Adjustment Score) he also gave a Credit Score of +75.

It was not attempted to go back of the agency to more remote causal factors. For example, if an agency finally removed a child from an improper home to a suitable foster home, the agency was given credit even though it delayed the matter until it was practically forced by public opinion to act. The delay of the agency in removing the child was reflected in a low Coefficient of Adjustment (explained below) and a low Tempo Score.

Column 10—The Merit Score.—The Merit Score was provided in order that the scorer might record his opinion of the general technique, methods, and intelligence of the agency in dealing with each problem. The scale is the same as that for Adjustment and Credit Scores, i.e., −100 to +100. The scorer in some cases entered a high Merit Score in spite of the fact that he had entered a low Credit Score and a low Adjustment Score on the same Problems of Devia-

tion. The Merit Score was given on all Problems of Treatment as well as those of Deviation.

The Merit Score could not be entirely divorced from Tempo. Merit referred particularly to technique, but technique itself sometimes was seen to consist not only in doing the right thing, but in doing it at the right time, and consequently it was felt that it was legitimate sometimes for the scorer to allow the time element to influence the Merit Score, although this score was meant particularly to register his judgment regarding the way in which the problem was approached.

The scores entered in the Merit column had reference to the actual performance of the agency, irrespective of financial, personnel, or other handicaps. On the other hand, community conditions, the human material involved, and the circumstances of the case, in other words, conditions which no agency could control, were given full consideration and the scores adjusted accordingly. In brief the Merit scores recorded the natural reactions of the case worker, who habitually took into account the circumstances of each case in judging the quality of case work. The Merit Score not only answers the question, How skilful was the treatment? but, How suitable was it to the case? This is the only way in which the Merit Score could have had any meaning, for it might have been maintained in every case that, all things considered, the agency had done as well as it could. A minus Merit Score was used occasionally to indicate that, in the opinion of the scorer, the agency did positively the wrong thing or used absolutely a wrong method or process.

The Merit Score was given on all problems both of Deviation and Treatment. This score was, of course, a general rather than a detailed score, except that it was given for each problem. In the interest of simplicity the system attempted no scoring of different aspects of technique. The Merit Score was, however, often supplemented by comments on the back of the scoring sheet.

Column 12—The Tempo Score.—The Tempo Score was provided as a means of expressing a judgment on the rate of work of the agency on each problem as compared with what it should have been. This was differentiated from the duration of the problem, for a problem-situation sometimes required a long time to clear up even though

the agency did promptly everything that needed to be done. If this was the case, the Tempo Score was satisfactory even though the duration of the problem were extended over a long period.

The Tempo Score was given on a different scale from the other scores. The scale ran from zero upward to 100, 100 being used to indicate the optimum Tempo. If the intensity and promptness of the agency were less than they should have been, this was indicated by some score less than 100. If the agency moved not at all on the problem, the Tempo was 0. If it worked on the problem more intensely than it should have, or gave relief too quickly, too frequently, or too liberally, a score of 100 minus a certain figure was given in proportion to the excess of Tempo. Suppose, for example, a problem on which the scorer felt that certainly 50 per cent more time was expended than was justified. The Tempo Score was entered as (100 − 50). In calculating the final Tempo Score this entry was figured as 50, the same as if the agency had done only half enough on the problem. The form (100 − 50) was used so that instances of excessive work could be readily located on the scoring sheet.

Calculation of the final scores.—1. The Investigation Score for a given case was found by averaging the Merit and Tempo Scores for this item at the top of the sheet.

2. The Diagnosis and Plan of Treatment Score was calculated in the same manner as the Investigation Score.

3. The Accomplishment Score for a given case was found by calculating the weighted average of the Accomplishment Scores on the individual Problems of Treatment. The weights used were those entered for the respective problems in Column 3.

4. The Adjustment Score for a case was the weighted average of the Adjustment Scores for the Problems of Deviation.

5. The Coefficient of Adjustment. This score was meant to give some indication of the rate at which Adjustment took place. It was thought important, not only that a sound Adjustment be achieved, but that it be accomplished in the shortest time consistent with such soundness. This differed, of course, with every case and the coefficient was interpreted in light of the classification of the case as to "Human Material" and "Adequate Time for Adjustment" recorded at the top of the scoring sheet. The coefficient was determined both

by the degree of Adjustment achieved and the duration of the problems. Calculation of the coefficient is as follows:

a) Find the weighted average duration of the Problems of Deviation.

b) Convert this weighted average duration into terms of Time Value on the scale of $8\frac{1}{3}$ points for each month or 100 points for one year, 150 for eighteen months, etc.

c) Divide the final Adjustment Score for the case by the Time Value and the result is the Coefficient of Adjustment. For example, if the weighted average duration for a case be 9 months, the Time Value is 75. If for the same case the Adjustment Score should prove to be +75, the Coefficient of Adjustment would be $+\frac{75\text{ (Adjustment Score)}}{75\text{ (Time Value)}} = +1$. A coefficient of +1 thus indicates that adjustment for the case proceeded on the average at the rate of complete adjustment in one year; a coefficient of +.5 would indicate that the rate had been only 50 per cent adjustment in one year or complete adjustment in two years, and a coefficient of +2. would indicate that adjustment had proceeded at the rate of complete adjustment in six months.

6. The Credit Score for a given case was the weighted average of the Credit Scores on the Problems of Deviation.

7. The Merit Score for a given case was the weighted average of the Merit Scores of all the problems.

8. The Tempo Score was the weighted average of the Tempo Scores for all the problems.

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SOME PRINCIPLES OF SOCIAL WORK IN THE SOVIET UNION

TWO obvious characteristics of social work among the soviets strike even the casual visitor at once—the almost total lack of anything like private philanthropy, and the enormous amount of work accomplished with meager equipment.

It cannot be too often repeated that the Russian revolution was primarily a social revolution quite as much, if not more, than a political or even economic upheaval. Consequently a very large part of the work of the government itself may be characterized as social and cultural. The vast problem of a population over 60 per cent illiterate inherited by the revolution presented a great task of adult education for which the department of education assumed responsibility. The orphans and waifs of war and famine produced a charge of child welfare which again fell upon the shoulders of the governmental agencies. And at the same time the very nature of the revolution early led to the assumption of the most complete system of social insurance and workers' protection to be found anywhere in the world. The unions, industry, and the state share in the support of many of the projects involved in these programs. But industry in Russia is again the state, and the labor unions bear a relation to both industry and state which makes them all a part of the whole.

One of the nearest approaches to private social work is to be found in Jewish organizations for the aid and re-education of the vast number of declassed Jews of the former merchant and petty trading classes. But here, too, the government has its share in various forms of subsidy, and the private aid is in the form of small dues paid by great numbers of Jewish workers to organizations for the assistance of their unfortunate brothers. The principal source of large support aside from this is the philanthropy of American Jewry. This situation, of course, arises not only from the fact that privately supported institutions are contrary to the principles of Communism, but is due to the simple fact that there are no rich classes in Russia. This would seem too obvious for statement, but I have observed

American visitors who are acquainted with our own social work programs revert again and again to their accustomed mind sets in this respect and think in terms of sponsors, large donors, and the whole ritual of American financing of social projects.

The general poverty of the country is naturally reflected, as I have suggested, in the equipment of their social institutions everywhere except in the great centers, where one frequently meets with the most modern sort of equipment. But at the same time there is also everywhere a sense of participation and utter lack of any feeling of our so frequently desired "appreciation of what is being done for them." There is thus a healthy sharing of poverty. For example, every union member knows that a large part of his dues is devoted to cultural and social funds. Reports are made of expenditures. He knows that a good percentage of the whole wage budget is paid by his factory for this purpose. A vacation or a visit to a rest home, which was formerly a palace or the home of a rich merchant, he regards as a right and not a philanthropy. Furthermore there has somehow been created a sense of common ownership and responsibility which seems to transfer itself even to the children in a way not visible in the ordinary American child's attitude toward the public school, for example. Perhaps it is due to the enthusiasms of the first flush of a great ideal. Much can certainly be credited to education, but to an education which is itself much more integrated with the prevailing modes of life and thought than our American children enjoy.

As an illustration of both these points—poverty and possession—my mind reverts at once to a Pioneer camp a few miles out of Odessa which a group of us visited this summer. We were bound for a collective farm and stopped in at an inviting driveway to inquire the way. "Might we see the camp?" "Certainly. Drop back on the way to the city and all the children will be in for your inspection." In an hour or so we were back. The whole colony of a hundred boys and girls, aged eleven to sixteen, were drawn up in military formation. The leader stepped forward to make his report of the day to the camp director. He was precise, detailed, and business-like. The leader gave a command, "In three minutes let every person be in his

place and prepared for an inspection of the camp!" Then a bugle call and every little foot was scurrying to his appointed duty.

Next came the inevitable interview with the director, with the child leaders present. This summer colony is run by the Building Trade Unions of Odessa. The house was a former landlord's home and was repaired by the fathers of the children. Groups of a hundred boys and girls are brought each summer for a period of one month. All the lighter work of the camp is done by the children themselves. The head of the camp is a young Communist, a carpenter by trade. The assistant is a young tinner and also a member of the Communist League. The leader chosen by the children is a girl of twelve.

The dining-room for bright days was in a somewhat decrepit summerhouse, where rude tables had been erected. Space and utensils required eating in two shifts. We watched the first fifty eat earnestly and quietly of their simple fare, principally of soup and cereal. We inspected their dormitories. There was not a solitary cot or bed in the house!—simply straw mattresses in neat rows on the clean wiped floor, with toothbrush, comb, and mirror, or perhaps just a broken piece of mirror, as each had been able to bring, beside each pillow. Sheets and blankets were as varied as their owners. Recreation halls, baths, screens to the windows, there were none. But it seemed to us who looked that the real essentials for which every camp works were there in abundance. Self-discipline, ingenuity, browned healthy bodies, joyous participation in the activities, all these were present. And not only was there participation in the work of the camp but groups of the older boys and girls went regularly to help in the harvest at the nearest collective farm. They were having a part in the productive processes of the new rural economy. Life and teaching went hand in hand.

"Could they sing?" A chorus of "yesses," and in a moment a group had gathered and some unostentatious leader had struck up a tune. One after another they sang old folk tunes with new Pioneer words; sang in parts with real feeling and finish. So, playing, singing, swimming in the Black Sea, and working together at the camp and in the neighboring fields, hundreds of workers' children are coming to this camp each summer. And thousands of similar chil-

dren in similar camps every summer are learning the new ways of the new Russia with the main equipment of a will and the chief incentive of an ideal. Naturally the core of that ideal is Communism. Communism permeates every program and is at the center of every lesson. However, we are not for the moment concerned with the ideals of Communism, but with the problem of social work under the burden of poverty. And it seemed to us that the Russians had found a way.

Two institutions for dealing with what we are now quite properly calling the socially handicapped will occur to every one who has visited Russia recently with these interests in view as illuminating examples of the whole attitude toward two classes of erstwhile social pariahs, the criminal and the prostitute.

The first requisite for admission to the Workers' Commune at Bolshevo some forty miles out of Moscow is that the applicant shall have a bona fide criminal record. A committee from the colony, composed of members of the group itself, is sent into the prisons of Moscow and other cities nearby to examine the applicants to assure this. The idea originated with Derzhinsky, director of the Red Terror, six years ago when thirty-five boys from the Moscow prisons were taken as an experiment. This year we were shown through groups of dormitories, factories, stores, and club rooms used by a thousand members of the colony and another thousand ordinary workers who leaven the lump and give specialized guidance.

Two avowed principles have guided the direction of the colony, self-reliance and social productivity. There are no walls, no guards, but a thousand pairs of their fellows' eyes, as one of them laughingly put it. In six years only 13 per cent have left the community, most of these during the first three or four months of residence. Only nine who had been in the group for as long as a year had left and seven of these returned. A few girls are now admitted, but the greater number still are young men. Many of them have married girls in the commune or young women in the surrounding villages and have settled down to a normal life in the rapidly growing little town.

The choice of an industry was an interesting one—athletic gear, skates, skis, tennis racquets, knit goods, and athletic shoes. This business has grown to the enormous figure of six million dollars a

year. After the first three months of apprenticeship the workers are paid at the regular union rate. Athletics likewise play a great rôle in the leisure activities of the colony, and they boast of many championships in the Moscow district.

Self-government in the colony is complete. The seven members of the directing staff simply act as members of the various committees through which the commune acts. A general meeting is held every ten days in the great hall and theater, and every matter of importance must receive the approval of this body before action is taken. The director informed us that the community was often more exacting of its members than the staff alone might have been, and the official opinions expressed in meeting are frequently vetoed by the meeting of the entire group.

Everywhere we went, whether in conference with the director in the open air reading-room or in the shops and dormitories, we were struck by the easy camaraderie among the workers and by the visible pride with which we were shown all their activities. Here was not an effort to reform and return to society but the actual creation of a new society, a treatment in thorough conformity with the Communist theory that criminality is a result of maladjustments in these areas. It is interesting to note in passing that more than half of this colony do not know the whereabouts of their parents, thus accounting for a part of the solution of the problem of the so-called "wandering children." And also probably accounting for much of the road to criminality over which they had come.

It is just as well to comment parenthetically here on what the Russians speak of as the "liquidation" of this waif question. When I left Russia in 1927 it was estimated that not less than forty thousand of these little wanderers were at large in the North Caucasus alone, as an aftermath of war, revolution, and famine, which had left three million orphans in their wake. Every railway station on the main lines was aswarm with them. Life was insecure but vastly interesting for them, and valuables were unsafe with the public wherever they congregated. Inured to the nomadic life of romance they had found thus thrust upon them, and unwilling to live in the uninteresting orphanages provided for them during the days of famine, they were creating a public menace of enormous proportions. Con-

ferences were held to consider the problem. Newspapers quoted statistics and proposed remedies.

I returned two years later over routes with which I was familiar and where these children had abounded before to find that their numbers had vastly decreased. This summer, after another year, we were on the lookout for them and were lucky to find a few samples here and there. This miracle is accounted for by two principal lines of vigorous action. The facilities of homes for caring for them have been increased and life made more attractive in them, and a well-organized system of child placement has been made effective. State and collective farms, factories, and shops have been given their quota. As many as possible were returned to any relatives who could be found capable of caring for them—which, incidentally, affords an interesting commentary on the current myth that the Communists are tearing infants from the mother's breast to care for them in state institutions.

It is quite true that certain Communists would like to have the state assume entire care of its children, but the simple fact is that the hands of the state have been more than filled with the care of these thousands who have been cast, willy nilly into her lap. For the present, at least, the social nurture of the child must depend upon those institutions with which we are familiar, the day nursery in the factories, the kindergarten, and the schools. And, perhaps, the most complete socialized care of the child, strangely enough, is taking place in the country districts as a by-product of Russia's most recent revolution, the collectivization of the land. However, this is a topic worthy of volumes in itself.

Let us return to the second and most ancient of social problems, prostitution. Here again, the Russian attitude is distinguished by the red thread of Marxian philosophy which runs through the whole social and economic fabric. The erstwhile engineer head of the central home for prostitutes in Moscow, in interview, commented, as if dismissing a truism, that practically all prostitution arises from economic causes. The redemptive process is, accordingly, founded on the assumption that these unfortunate women, when given an opportunity to work and returned physically sound to productive society, will become respectable members of that society. The

women and girls in eleven homes in Moscow and the other nineteen of Russia proper, are, therefore, first of all given a chance to earn an honest living in the shops run by the organization which not only make it self-supporting entirely but pay the women regular union wages. Out of these wages they pay for board and room in dormitories in the same or adjacent building. At the same time, since 95 per cent of them are found afflicted with venereal disease, they are given medical attention. The cultural life, too, is not neglected. Classes and various circles of recreation and amusement are provided for the occupation of leisure time. Social affairs which allow natural associations with men are part of the program.

Careful estimates indicate that by the voluntary withdrawal of women from this traffic the number of prostitutes in Moscow has been reduced from two thousand five hundred in 1928 to five hundred at the present time. An analysis of the case histories of those who have entered the homes reveals the fact that 65 per cent are girls from the villages who have come to the city and have found themselves without work or home. Fifteen per cent are from the city workers and the remainder from the intelligentsia. The director assured us that since unemployment has practically ceased in Moscow and the other great centers of Russia there has been a great decrease in the numbers of women added to the trade. In conformity with this phenomenon a new law makes it mandatory for the labor exchanges to give preference to unmarried women in placements for work.

Anything approaching a house of prostitution is vigorously suppressed and occupants imprisoned. The all-embracing "Five Year Plan" has its assignment in this endeavor also. At the end of this magic period we were assured that there would not be a prostitute left in Moscow, if present plans mature. Thereafter it is proposed to use legal instead of voluntary methods of bringing the women into the homes and to make heavier penalties for the incorrigible cases. The statistics of the organization show that more than 90 per cent of those who spend the required year in the home and return to work in the world have been redeemed to a normal life. One or 2 per cent return to the homes.

The principles guiding these typical social work programs could

be repeated in various fields, including the ordinary jails and prisons, and in different form such as the vastly interesting night sanatoria and the various recreational and cultural enterprises of the unions—self-support wherever possible, self-government, collective interests, a sometimes confusing merging of state and individual initiative and support. The state control of industry, of course, makes possible an undreamed-of co-operation in all kinds of constructive case work which may be dependent, as it so often is, upon proper labor placement. This is a fact also which gives a new meaning and reality to the whole scheme of vocational education.

Our customary brief for privately supported social work is that it offers an experimental field for which the state would be unwilling or unable to provide means or to which it would not attract competent talent. Much of the edge of this argument is lost in Russia, however, where the whole attitude is experimental and avowedly scientific. Furthermore, it is my observation that there is a surprising amount of initiative encouraged in these fields, often coming from equally surprising sources, as witness the engineer founding a home for prostitutes, and the director of the terror devising a colony for young criminals. Any close scrutiny of the Russian scene will turn up a multitude of experiments of this kind from the smallest hamlet to the great cities, and so long as they are class conscious and do not deviate from the general line of Communist philosophy they will be encouraged and aided by the present régime.

Nothing is more foolhardy than predictions about Russia, but it is certainly not too much to say that whatever the political future of the country, social processes and methods have been set in motion which are destined to become vital in any system which may eventuate. The starting-point seems to me essentially sound and the methods sufficiently fluid to assure the accommodations needed for progress.

KARL BORDERS

CHICAGO COMMONS

WORKERS FOR COUNTY WELFARE SYSTEMS IN NON-METROPOLITAN AREAS

THE movement for the establishing of county-wide authorities in the field of public welfare is rapidly gaining strength. The United States Children's Bureau has given us several studies of the development that has taken place in Minnesota, North Carolina, New York, California, and other commonwealths; and the White House Conference considers this one of the most striking features of the decade just ended that separates the third conference from its predecessor of 1919. The Governor's Commission in Illinois has introduced two mandatory acts, one providing for county welfare authorities and one for probation officers either in part or altogether at the expense of the state. Ohio is considering legislation of a similar character; and this secondary centralization movement, for these county-wide organizations replace such smaller units as the precinct or the township, is gaining steadily and with a fair degree of rapidity. It is, therefore, very important to ask and find an answer to the question: What should be the fundamental objectives in selecting the workers for these county welfare systems?

In reply, it may be said that from the points of view of both the professional social worker and the socially minded layman, some of these objectives seem fairly obvious. The advantages of the merit system will generally be conceded, for the sake of efficiency if not of fair play. It should be pointed out that the merit system is not identical with "civil service," which, as generally used, designates one method of selection and therefore has no necessary connection with merit systems in which other methods are employed.

The need of higher standards for the county workers than those which now exist in most jurisdictions will be generally granted, especially if those few but pivotal positions that may be called "professional" are kept in mind—the executive director, the probation officers, the case workers, etc. By "higher standards" is simply meant more intelligence, more formal education, more professional training, and more experience as prerequisites for county welfare

work; and, with this, the exodus of the novice, the dilettante, the drifter, and the plain incompetent becomes a matter of course. A third desirable objective, which is essential in the long run to raising standards, would appear to be the extension of the area of recruitment beyond the county lines, and the discouragement of that parochial attitude which frowns on giving jobs to "outsiders."

What is, then, the best administrative arrangement for insuring or encouraging the election of high-grade county welfare workers on a merit basis and at the same time maintaining that balance among the different governmental units and agencies which the general good of the whole administrative system, as well as the demands of public opinion, require? The easiest and possibly the most correct answer would be: "There is none. It all depends on the local and state situation, etc." But if one points his reflections more or less at some definite situation (for example, the "down-state counties" in Illinois), a more satisfactory answer may be obtained.

Another way to state the problem of selection of county welfare workers might be:

1. With which government should the responsibility rest—the state or the county? Or, if it should be divided, where shall the main responsibility rest?

2. Which agency of the government should exercise the control and responsibility—the public welfare boards or departments, the civil service commissions, or some other authority?

3. Which methods of selection should be employed—a rule of thumb, arbitrary selection, competitive examinations, pass examinations, experience, and educational records, or what?

With reference to the location of responsibility, an indefinite number of set-ups is obviously possible, ranging from complete county decentralization through all degrees of state supervision up to complete state centralization and control. These varieties of organization might, however, all be divided into four classes:

A. Complete county responsibility and control, always subject, of course, to statutory limitations.

B. County control with a moderate amount of state administrative supervision with some mandatory requirements.

C. State control, but with a considerable measure of power and discretion, including actual administration, left to the counties.

D. Complete or near-complete state control and administration.

A. COMPLETE COUNTY RESPONSIBILITY AND CONTROL, ALWAYS SUBJECT, OF COURSE, TO STATUTORY LIMITATIONS

The case for complete county control of the selection of welfare workers, particularly of the professional workers, does not appear to be very strong. Only a few of the 3,072 counties in the United States have shown enough initiative and intelligence to organize and carry on a strong welfare system; they have, by and large, had to be prodded into action by the state, and in such cases it seems unwise and inconsistent for the state not to continue to exercise some oversight over the functioning of the county systems. The selection of the professional personnel is of first importance; and, in this selection, the state should give the county the benefit of its wider knowledge and experience.

Experience seems to indicate that unregulated selection by the counties does not result in high standards. This is true not only of public welfare but of many other governmental activities. If one contrasts, for instance, the public-school teaching personnel when selection was wholly in the hands of local boards with the personnel when selected under a measure of state control or supervision, the argument for "local autonomy" becomes pitifully weak. Complete county control means parochialism and provincialism, rule-of-thumb methods, low standards, and a narrow outlook upon the scope of welfare work. Some state "interference" seems essential.

The weaknesses of complete county control would seem to be present regardless of what agency in the county exercises the power. The argument for such control might seem to be strongest under the county-manager plan, assuming that all county managers were intelligent, professional, honest, and non-partisan; but, in any event, the county-manager plan is still very much in the experimental stage and is of only academic interest in 1931.

County civil service commissions might seem to be the answer, but such commissions exist only in a very small number of counties, and

rarely in the non-metropolitan and rural county. There are not more than half a dozen counties that have independent civil service commissions; there are perhaps a score or more that have commissions under state administration or supervision, as in New Jersey and New York, but these counties are all considerably above average in population. It is almost unanimously agreed, even by civil service commission enthusiasts, that a civil service commission worthy of the name cannot exist or should not exist in the county of small or moderate size. So, regardless of the merits or demerits of civil service commissions, this solution of the problem is also academic.

The logical organ for the exercise of county personnel selection would seem to be the county welfare board; but, as said above, in most cases such boards have not been the spontaneous creations of local public opinion but have come down from the state capitols; and it does not seem wise for the state to stop with the mere creation of the boards and to leave such an important function as personnel selection wholly to the whims of the local boards, influenced as they must be by local prejudices, standards, and points of view.

B. COUNTY CONTROL WITH A MODERATE AMOUNT OF STATE ADMINISTRATIVE SUPERVISION WITH SOME MANDATORY REQUIREMENTS

Going, then, into the possibility of state supervision, the question is: How much supervision is desirable and practicable and what form should it take? The weakest sort of state control, other than such futile statutory requirements as that "county welfare workers must be selected on a non-partisan basis" or something of that sort, consists in supplying advice and information, coupled perhaps with the inspection power as a stimulus to better selection in the counties. But counties so often prefer to take the easiest way and are not always eager to accept suggestions. State control and supervision should, therefore, have substance as well as shadow.

A plan of state supervision, standardization, and assistance which leaves considerable autonomy with the counties, which is simple, and which is especially applicable to the professional positions, is state certification—a requirement that no one could be appointed as pro-

bation officer, case worker, executive director, etc., in a county until certified as competent by the state, the county being left free to make a selection from among those so certified. Such a plan, intelligently executed, would mean higher standards than are probable under complete county control; it would tend to discourage provincialism; and while not involving a strict application of the merit system, since the county need not hire the most competent person for the vacancy, it would insure that the person hired be competent. It would approximate the "pass examination" rather than the competitive examination. The idea of state certification for all social workers has often been broached and approved by social workers; the county system would seem to be a good place in which to start the practice.

This plan is precisely that used to some extent in the school systems of most of the states and is one of the principal reasons why public-school teachers are better trained than they were a few decades ago. It is already being used in social welfare. In Alabama, the Board of Child Welfare requires all county welfare executives to be trained social workers; the Board defined "training" and made no permanent appointments until those who wanted the jobs qualified for them.[1] Here, however, the positions involved were apparently more under state than county control. In North Carolina the appointment of county superintendents of welfare must be approved by the state commission.[2]

Similar requirements exist for other county departments. To quote Fairlie and Kneier:

> State control is also exercised in a few states over the selection of county health and road officials. In New Mexico and Pennsylvania, the appointment of county health officers is subject to the approval of the state department of health. In New Jersey, no person can be appointed a local health officer unless he holds a license granted by the state board of health to those who qualify by examinations conducted by the state board. County road engineers in Michigan, Kansas, and West Virginia are appointed by the county board, subject to the approval of the state highway department. In Illinois, county superintendents of highways are selected on the nomination of candidates by the county

[1] *Proceedings of National Conference of Social Work, 1929*, p. 300.

[2] *Ibid.*, p. 528.

board, who are required to take examinations held by the state department of public works, and appointments by the county board must be from the list of eligibles.[1]

These authors go on to say:

> These examples of state selection and state control over the local selection of county officials indicate a distinct departure from the general practice of the uncontrolled local selection of such officials. Further developments in these directions may be anticipated, and should result in the choice of more competent officials. Direct state appointment to any large extent will involve a radical change from traditional methods, though it would seem to be justified in the case of some officials whose functions are most clearly those of agents of the state government. But there should be less objection to an extension, to officials whose duties call for special qualifications, of definite requirements as to such qualifications, and of state examinations for testing them or of state approval of local appointments.[2]

If state requirements are desirable for, say, the superintendent or executive director of public welfare, they would seem to be just as desirable for any social case workers, probation officers, or similar professional workers that the county might employ.

In order to be of the greatest service, the state should not only grant certificates of competence to those who prove their ability but should assist in bringing together the certified worker looking for a vacancy and the county looking for a worker. Those wishing to become county workers, either with an eye on a particular job or with only general expectations, would prove their ability to the state and be certified; the county board of welfare could choose its workers from any who had been so certified. The counties could easily notify the state of openings and the state could notify certified workers, so that competition might be sharpened; some such plan might prove necessary and desirable, at least in the beginning, until county public welfare work becomes more "settled." It seems desirable and almost essential that county residence requirements be waived for professional positions, although under this plan there would be nothing to prevent a county from showing preference to its own residents so long as they were qualified.

[1] John A. Fairlie and Charles M. Kneier, *County Government and Administration* (New York: Century, 1930), p. 104.

[2] *Ibid.*

The question presents itself of determining the shape of the legislation enacted providing for the establishment of these county authorities. Theoretically, the statutes should be permissive rather than mandatory.

Which Way, a bulletin issued by the Child Welfare Division of the Public Charities Association of Pennsylvania, says for example:

> In the General Poor Relief Act of 1925, county directors of the poor are authorized to employ trained welfare workers and all other necessary employees and assistants. . . . . The employment of trained welfare workers should not be made mandatory since there are not enough professional social workers available at present and because it is better policy to wait until public opinion will fully support employing such workers.[1]

But the report goes on to say: "There should be some method by which the appointment of trained people could be encouraged. These workers might be approved by the State Department of Welfare."

Apparently the thought here is that the county, though unrestricted in its choice, will naturally prefer the worker who has been approved, but this is not necessarily true, and the objections to making a mandatory requirement are really not conclusive. Because there are not enough social workers to meet the most desirable requirements, it does not follow that there should be no requirements. And while it goes without saying that consent is better than compulsion, "to wait until public opinion will fully support employing such workers" seems rather a weak attitude. When shall we know when such a time arrives? Surely we cannot expect the citizens of a county, wholly on their own initiative, to demand better social workers. A mandatory rule resulting in better welfare work might awake "public opinion" to the realization that it supported such standards all along.

The question arises, too, as to which agency of the government of the state ought to administer a certification scheme such as has been suggested—the state civil service commission, the department of public welfare, a special board of examiners analogous to the law examiners, some other department such as the Board of Registration and Education in Illinois, or which? Generally speaking, the public welfare department would seem to be not only the best qualified but the

[1] April, 1930, pp. 11–12.

most trustworthy, though there would be undoubtedly many exceptions. In Illinois at least, the State Civil Service Commission has not as yet shown sufficient intelligence, honesty, or courage in the last ten years to warrant putting further responsibilities in its hands. Its record during the period of Governor Small's administration furnishes considerable argument for those who believe that a politically appointed central civil service commission too often becomes merely a cloak for the old-fashioned type of spoils politics, and the work of the new Commission has yet to prove itself. Though the Commission may, by careful diet and attention, regain its strength and vitality, it will still be looked at askance by a considerable body of opinion.

The state department of public welfare is naturally interested in the guidance and supervision of the county departments, and this function should include the approval of the professional personnel. A special board would seem to be unnecessary, although the department could well make use of an advisory board to help it in framing requirements and planning the certification procedure. As compared with the state civil service commission, the department of public welfare might be deficient in techniques of classification and examination but this deficit would be offset by greater interest in the particular situation and greater knowledge of it. And the commission in Illinois has as yet seldom shown any comprehension of advanced methods or sound methods in such techniques.

It is no simple task to establish requirements for county welfare positions, particularly those on the professional and executive levels. Requirements should be flexible so that they may be raised, or perhaps lowered, as educational developments and county experience warrant. Hence they should not be made statutory but subject to administrative regulation. A compromise is necessary between the most desirable requirements, such as a Master's degree from a reputable school of social service plus experience or field work, and the fact of the lack of such recruits available. Nor can one completely ignore a public opinion which might not appreciate the need of high standards, although this should not be given too much weight; the best way to educate public opinion is to educate it. The exclusion of the incompetent must be kept in mind; the retention of the older

worker with much valuable experience but little training in schools would also seem to be desirable.

But in the main it does not seem unreasonable, in this age of mass education, to require of a professional social worker at least as much education as a grade-school teacher, accountant, or bond salesman. This means general education on the collegiate level; if not graduation, at least two or three years of college work. It should mean, also, special training in social work of at least a year's duration. It should mean, also, at least for the higher positions, several years experience in social or related work. Lack of training might be balanced in part by additional experience; and vice versa. Exceptions of this sort seem not only necessary but fair in the present stage of the professionalization of social work but should be looked upon as temporary, with the goal set at higher and more rigid requirements of formal cultural education, plus special training, plus experience. In some cases, in the beginning, temporary certificates might be given, permanent certificates being conditional on the fulfilment of additional requirements of training and education which could be fulfilled in summer schools, etc.

Should educational and experience requirements be sufficient for the granting of state certificates? Since instruction in social work is of very different grade and quality in the various schools, and the value of specific experience difficult to determine, it would seem best to insist, not only on educational and experience requirements, but on written and oral examinations as well. Such examinations would have to be carefully framed, preferably by persons intimately acquainted both with practical social work and present training provisions; hence the advantage of administration by the public welfare department and its advisers rather than by a civil service commission which might or might not make use of the best knowledge in the field. The department might not do this either, but the chances would seem to be better there.

The discussion, so far, as been concerned chiefly with the so-called professional and executive social workers. What of the many other employees of a county system, such as clerical and institutional workers? How may they be best selected? The answer is not easy. But one is tempted to say that these should be subjected to control

and selection by the county welfare board and its executive director. The state should assist, advise, suggest, and inform. It might classify the positions for the counties, laying down the requirements for the various jobs and suggesting the best methods of recruitment, though leaving the application of these standards and the following of the suggestions with the county. County initiative, independence, and autonomy must not be stifled. If the selection of competent persons for the professional positions can be assured, much will have been done to improve the general personnel situation, especially if considerable power over the county workers is vested in the professional executive director. And if the state exercises effectively its inspection and publicity powers, a further check against slipshod selection of county employees is available.

The functions of classification, advice, and information concerning the county personnel suggested above would seem to be largely within the province of the state civil service commission rather than the welfare department; but if experience and the particular situation in a state indicate that better results may be accomplished by allowing the welfare department to do such work, it should be so done. It is a commonplace of most public administrative writing that the function of recruiting the employees of a governmental unit should be centralized in a single department, commission, board, or official. Yet few such advocates go so far as to urge, for instance, that the state university professors be recruited through the state civil service commission; or that boards of education and superintendents of schools should be subject to some non-educational control in recruiting teachers. Usually the argument for the centralization of personnel functions leans heavily on such practice in private industry, but there is evidence to show that in many establishments the power and glory of personnel departments has declined in recent years and that more discretion is being given to foremen, individual departments, etc., in selecting workers.[1]

[1] See, for example, "Report of First Section," *Triennial Congress for the Study and Improvement of Human Relations in Industry* (1928), pp. 75 ff.

C. STATE CONTROL, BUT WITH A CONSIDERABLE MEASURE OF POWER AND DISCRETION, INCLUDING ACTUAL ADMINISTRATION, LEFT TO THE COUNTIES

D. COMPLETE OR NEAR-COMPLETE STATE CONTROL AND ADMINISTRATION

Plans which go further in the direction of state control involve both the establishment of mandatory requirements prior to county appointment and also some control of the actual appointment. We find such plans in New Jersey, New York, and Massachusetts, where most of the positions in some of the counties and other subdivisions are recruited through the state civil service commissions. In New Jersey, for the seven counties which have voluntarily submitted to the plan (these are all the larger counties), the recruitment of county employees is substantially the same as the recruitment of state employees. The State Civil Service Commission classifies the positions in these counties, frames examinations, conducts examinations, and certifies eligible persons to the county authorities in exactly the same way that it does to a state department. The only difference is that the Commission holds such examinations in the counties concerned. The county authorities have the usual discretion of choosing one from three eligible candidates submitted. The New York Civil Service Commission has jurisdiction over the employees in seventeen of the most populous counties in the state; the set-up is similar to that in New Jersey, with perhaps somewhat more power left to the counties. In Ohio, supervision by the State Commission is exercised over local city and county commissions, of which there are but few. In New Jersey this system seems to have proved successful in raising considerably the caliber of county workers, but, as has been said, it has been applied only in the more populous counties, and with their express consent. The comparatively high efficiency and honesty of the New Jersey State Commission is largely responsible for the success of the plan. In New York there have been many exceptions to the scope of the State Commission over the counties, even in those counties where it is exercised, and its success has been uneven. But even assuming that such state control as this has been successful, it does not follow that the state should exercise full con-

trol over the selection of all the county personnel. It seems wiser to vest the major responsibility in the county, particularly in the case of welfare activities. To create special county boards of public welfare and then to strip them of all power, or nearly all power, in an important and vital task such as the recruitment of employees, does not seem very consistent. The county should be encouraged to solve its own problems, subject to supervision rather than to thoroughgoing control. In New Jersey, the State Board of Children's Guardians seems to have exercised so much control and aggressiveness in child-placing work in the counties as to stifle local initiative and responsibility and to discourage rather than encourage the establishment of strong county systems and programs of public welfare. While the analogy is not exact, this may indicate that where the goal is a strong local system state control can go too far.

Fairlie and Kneier write:

"The method of administering the merit system in New York, New Jersey and Ohio seems more satisfactory than the use of a separate commission for each county. While it is feasible to have a separate commission for the more populous counties, it is unsatisfactory to depend upon a separate commission for the smaller counties. The number of employees in such counties does not warrant the establishing of a commission. . . . . In such counties, however, the personnel problem is of significance for successful administration and should not be longer neglected. This function should be given to the state commission, which might make use of county officers for the purpose of holding examinations in the county.[1]

If we alter this proposal and suggest that the state set the requirements and furnish the examination questions, and the county not only conduct the tests but grade them and certifiy the eligibles, we have only an extension of the plan suggested above. This combines state centralization of planning, supervision, and information with county administration, and might be useful for a certain class of positions between the professional positions, which ought to be filled only after competency approved by the state, and minor positions, which should be filled at the discretion of the county.

Many states use a plan similar to this in recruiting public-school teachers in the county. The state department of education sets the requirements and draws up the examinations, but the county superintendents of schools conduct and grade the examinations and certify

[1] *Op. cit.*, p. 210.

the eligible candidates to the school authorities. Higher standards are achieved without much disturbance to local autonomy.

Whether, in such a plan for public welfare, the state authority should be the civil service commission or the welfare department has already been discussed.

Unlimited state control, like unlimited county control, is bad. There is no magic in "uniformity throughout the state"; there is nothing necessarily evil in the words "county independence." In helping the counties to help themselves, the state must use some compulsion; but if it goes too far, all the positive good which can and should come from local initiative and responsibility is lost to the public welfare. In supervising the selection of personnel for the county public welfare, the state should insist, for the highly important professional and executive positions, that only trained and competent persons be employed, and, for the other positions, should endeavor to advise and guide the counties in setting up desirable standards; but in either case the actual hiring should remain with the county. Likewise, it may be noted, personnel functions such as discipline and discharge, promotions and demotions, should remain with the local authority. To summarize, then, it may be said that:

1. A true merit system, higher standards, and professionalization are among the desiderata in public welfare personnel.

2. Complete county control, to judge by experience, is not likely to bring such results.

3. Complete state control may bring such results but is likely to destroy other objectives, such as the further development of local initiative and responsibility.

4. State administrative supervision is desirable, with the actual selection remaining in the counties.

5. State certification, as a prerequisite to the employment of executive and professional social workers by the counties, is desirable.

6. State information, planning, advice, and inspection should be sufficient in aiding the counties in recruiting other workers.

7. Intelligent and honest state supervision is more likely if exercised, at any rate for the present, through the Public Welfare Department than through the Civil Service Commission, in Illinois.

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PROVISION FOR THE ILLEGITIMATE CHILD IN GERMANY

CHILDREN of unmarried mothers are, in most parts of the world, unduly and unnecessarily penalized. By the very conditions under which they enter the world they have somewhat less than an even chance when compared with children born into an ordinary family. Added to the handicaps of an anomalous family situation and a somewhat unfavorable social position, the state in many instances withholds rights or affixes penalties not applying to children of legitimate birth. In England, for example, there exists no legal relationship of family or inheritance right between the illegitimate child and either of his parents.[1] In Italy, under the most favorable circumstances, he may inherit only half as much property as if he were of legitimate birth. In France the legally acknowledged illegitimate child is related to his parents in the same way as a legitimate child, including inheritance rights, but is not by law a relative of the relatives of the parents. In Holland the legally acknowledged child of illegitimate birth has essentially the legal position of a legitimate child, though considerable numbers of illegitimate children are never legally acknowledged. In Sweden the illegitimate child bears a normal relation, including inheritance rights, only to the mother and the mother's family, except in those cases in which a child is born to a betrothed couple. In such cases, the child has full rights of inheritance from the father, but not from the father's family. In Germany, the illegitimate child bears to his mother and her relatives the relations of a legitimate child. He is, however, not a legal relative of the father. In only one country in the world, viz., Soviet Russia, is the legal position of the child of married and unmarried parents exactly the same. The family code of September 27, 1921, says in part (Art. 25 ff.): "The most essential rights of children and parents concern matters of blood relationship. Children whose par-

1 See Hans Tomforde, *Das Recht des unehelichen Kindes und seiner Mutter im In- und Ausland* (3d ed.; 1930), p. 41, for legal status indicated in England, Italy, and other countries.

ents are not married enjoy equal rights with children begotten of married persons. The persons listed in the birth register as the parents shall be considered the father and mother of the child."

The Civil Code of Germany, as indicated above, makes the illegitimate child a "fatherless" individual. This does not mean that the father has no responsibility whatever for the support of his illegitimate offspring. "For the support of the illegitimate child," says Tomforde, "the father is responsible before the mother and the relatives of the mother. Support shall be given from birth until the attainment of sixteen years of age. Support shall continue beyond this point only when the child because of physical or mental disability is incapable of self-support. The standard of living of the mother shall serve as a measure of the amount of support to be given. The support of the child is to be paid in the form of money, quarterly in advance. On petition of the mother, support for the first three months of the child's life may be granted before the birth of the child."[1] The mother has no further financial claim upon the father of an illegitimate child after the death of the child. Upon the death of the father, however, the child's right to support from the estate does not expire.

The mother of an illegitimate child has claim upon the father to reimbursement for costs incident upon the delivery of the child and support during the first six weeks after the child's birth. This applies to stillbirths as well as live births. She also has claim for special expenses incurred in connection with pregnancy or delivery, as well as claim against the man in case of physical damage resulting from the practice of perversions or of rape. She may still further lay claim to damages if pregnancy resulted from sexual relations during betrothal, the man having later refused to marry.

The clear assumption of the Civil Code in making these provisions is that the father will either come forward voluntarily and offer to pay for the care of the child or that the mother or her family will have both the means and intelligence to go to the guardianship court and secure for the child and the mother the rights provided by law. Further, the Code assumes that the mother or her family will be suitable persons to care for the child. In many cases, of course, one or

[1] Tomforde, *op. cit.*, p. 37.

none of these things is true. This fact has underlain a long series of measures in private and public social policy culminating in sections 35–41 of the National Child Welfare Law of July 9, 1922. The first sentence of Section 35 provides that: "With the birth of an illegitimate child the Jugendamt in the place where the child is born assumes guardianship." This sentence is a national bill of rights for the illegitimate children of Germany. It insures, on the one hand, physical care and education, and on the other, the securing, through the intervention of a public bureau, of the rights and claims of the child and his mother as provided in the Civil Code. From many points of view, this sentence contains the most important specific provision of the whole law. Before examining the present practice under the law, however, it is important to review the developments of law and social practice which led up to such a nation-wide policy of public care and protection.

The obvious fact that community agencies, either legal, official, or private, become active in the interest of the welfare of children only when the family fails, for one reason or another, to function normally, places the matter of guardianship rights and practice in the foreground of every child welfare program. For illegitimate, dependent orphan, and neglected or abused children, the normal guardianship law is insufficient. These groups of children, because of their dependence upon the community for support and their lack of adequate parentage or of near relatives legally responsible for their care, have always demanded special measures for their protection. Among these groups, that of the children of illegitimate birth comprises the largest number. It has therefore been the dominant group in determining the type of community measures to be adopted for meeting the special needs of all of these groups.

The recent history of the care and protection of children in need of guardianship is divided into three periods by two important pieces of national legislation. The first period ended with the advent of the Civil Code of January 1, 1900. The second included the years between 1900 and 1924 when the National Child Welfare Law became effective. The third is that under immediate examination, the five years from April 1, 1924, to March 31, 1929.[1] However, since earlier

[1] This article does not cover this third period but deals with the period before 1924.

law and practice did not in most cases differentiate the illegitimate from the dependent of legitimate birth, the historical sketch which follows concerns all of those children who came under public guardianship.

Before 1900, the matter of civil rights in Germany was in the hands of the separate states. Therefore unity was wholly lacking. There existed in this period three important types of basic law with reference to the guardianship of children who were in need of public care. The first, and by far the most widely in effect, was the French law. The second was similar to the French, but had developed independently in the Hanseatic towns of Hamburg and Lübeck. The third was the so-called *Sammelvormundschaft* of Saxony.[1]

The essential provisions of the French law of guardianship for children in need of community care were taken over by the larger part of the German states. They were in force in the Bavarian Rheinpfalz, the Hessian province Rheinhessen, the Rhine Provinces of Prussia in essentially unmodified form until 1875, and in Alsace-Lorraine from 1870 to 1900. Two statutes form the basis of the French system. The first was passed in Frimaire (November 21—December 20) 1796, establishing the two fundamentals of guardianship practice. Under this law:

1. Every child receiving public assistance came automatically under public guardianship. The authority of the parents of such children, in cases in which the parents were alive, was completely superseded by that of the administrative officials.

2. Matters of guardianship affecting these children were taken out of the hands of the ordinary guardianship authorities and placed in the hands of administrative officials. In Pluviôse (January 20—February 18 or 19) 1805, a second law provided that the official agency for carrying out the guardianship of children receiving public assistance should be the administrative commission of the hospice which was obliged to receive and care for dependent children—usually the city orphan asylum. Thus the French form of guardianship

[1] For a full discussion, see Christian J. Klumker and Johann Petersen, "Berufsvormundschaft (Generalvormundschaft)," *Schriften des deutschen Vereins für Armenpflege und Wohltätigkeit*, Vol. LXXXI (1907); also Friedeberg-Polligkeit, *Reichsjugendwohlfahrtsgesetz Kommentar* (2d ed.; 1930), pp. 279–83.

for needy children became an institution guardianship. Further it was a form in which the whole power of decision lay with an administrative body and not with a court. Parents once having given a child over to the public authorities for care, and, through a change of circumstances, wishing again to have the child, were helpless against an adverse decision of the administrative commission.[1] The only point at which the commission was not wholly independent was in the administration of the property of a ward. Certain decisions concerning the disposition of property were binding only upon consent of the competent local court. The commission retained guardianship until the attainment of legal majority. It was inevitable that in a good many cases wards left the institution to enter apprenticeship at the age of fourteen to sixteen. This demanded the development of facilities both for placing the children out as apprentices—finding suitable masters, etc.—and for their supervision during the apprenticeship period. It therefore developed logically into a system involving placement and family care as well as care in a residential institution. From the standpoint of method, the present organization for the care of illegitimate children and other very young dependent children retains some features of the older system. The present emphasis is, however, as indicated below, upon the side of care either in families or specialized institutions, rather than upon care in the common home for orphans and dependents of every sort.

The Prussian "institution guardianship," instituted by an administrative order of July 5, 1875, followed the French system in part but with two important limitations.[2] First, it applied only to minors actually brought under care in institutions. Second, it applied only to "wards" which meant those minors for whom, because of lack or fault of their fathers, a guardian had to be appointed. The first limitation was not in practice so important, since the law did not prohibit the placing of minors from the institution in families. Therefore the institution was used, as a rule, as a place of temporary care followed by family placement under the supervision of the institution head. Since, however, it applied only to persons who were already wards, this late nineteenth-century Prussian form of public

[1] Klumker and Petersen, *op. cit.*, p. 6.

[2] Section 13 and Section 62. See also Friedeberg-Polligkeit, *op. cit.*, p. 281.

care for dependent children left many without proper guardianship. This was particularly true of the illegitimate. Under the law, every illegitimate child who was not actually brought under care in an institution, regardless of whether or not he was partially or wholly supported at public cost, was placed under the guardianship of the maternal grandfather. Obviously, a less suitable group of guardians could scarcely have been found. Furthermore, when the grandfather-guardian died, it was seldom that the guardianship court appointed another guardian. In commenting on this situation, Professor Polligkeit says: "Under these circumstances, thousands of illegitimate children grew up without the supervision of any guardian."

In the Hanseatic towns of Hamburg and Lübeck, the development of a responsible guardianship program for dependent, illegitimate, and orphan children followed a path similar to that taken in France. The central point in the program was the public orphan's home and the responsible guardian, either the director or the board of directors of the institution.

Although in Hamburg a definite law governing the practice was not passed until 1879, the practice itself dates from the founding of the orphan's home in 1604. The acts of incorporation of the institution provided that the director, in addition to providing care in the institution, should assume responsibility for bringing the children under his care into an "orderly occupation" after the completion of their education. Further, the board of directors of the home passed an order in 1604[1] providing that the director "shall visit every year the homes where orphans are brought under care, reporting how the children themselves are behaving and how they are cared for." Rights and duties of guardianship were exercised until the attainment of legal majority. For 275 years this form of guardianship was practiced in Hamburg without statute or governmental order of any sort. At first thought this may seem remarkable, yet, as Dr. Klumker points out,[2] property was seldom involved, so that the rights of the persons providing food, shelter, clothing, and education were not questioned.

[1] *Oekonomiebuch des Waisenhauses*, 1604.

[2] Klumker and Petersen, *op. cit.*, p. 14.

Finally, in 1879, an order was issued making the administration of the institution legally responsible. By this order, a committee from the board of directors (a Kollegium) carried out the duties of guardianship for all minors who came under the care of the home. The order further specified that the guardianship came into force automatically without the necessity of action by a court, and was free from oversight by other guardianship officials.

In Lübeck, the governmental orders of 1859 and 1869 made provision for the guardianship of children in the Lübeck orphanage very similar in every respect to the French system. The rights of the father over legitimate children once given for care to the public institution were completely lost. The so-called *Sektion* or committee of the poor law commission which had in charge the orphan's home was the official guardian of all children who came under care in the institution.

The guardianship systems thus far discussed were organized about institutions and were under the direction of poor law officials. The development in Saxony, however, took a very different direction. Here a privately founded and endowed agency, headed by a physician, became the central point of a program in which the rights of guardianship were bestowed in each case by the court, and in which the actual work of supervision and oversight was carried out by paid social workers. The work was first undertaken on behalf of the illegitimate who were boarded in families and later extended to include the children, both in institutions and families, under the care of the poor law authorities—again the reverse of the French and Hamburg-Lübeck systems.

The Saxon system had its beginning in Leipzig. The directing spirit of the later and more significant development was a physician, Dr. Max Taube. The work he began and the plan he originated have had such a wide influence in subsequent German practice that Dr. Taube well merited the title "The father of *Berufsvormundschaft*" ("professional guardianship").

In 1824 an influential merchant of Leipzig, Johann Ludwig Hartz, established a foundation whose purpose was to care for illegitimate *Ziehkinder*.[1] Unlike most establishments of that day for the care of

[1] Herbert Studders, *Das Taubesche System der Ziehkinderüberwachung in Leipzig* (1919), p. 16.

children, the Leipziger Ziehkinderanstalt was not simply an institution for continuous care. It was an agency for the placing of illegitimate children in families and for the supervision and oversight of the families and children after placement. The administration was at first in the hands of a committee of six chosen from the membership of the poor law commission and the work of placement and supervision was carried out by a corps of volunteer women workers. Free medical care and free medicine for the children as well as free coal and some money payments to good foster mothers were, from the beginning, part of the Leipzig program.

In 1858 occurred the first significant change in the organization of the agency. In that year, the work was put on a professional basis, with a children's physician and a paid social worker (*Pflegerin*) in charge. Professor Klumker points out[1] that this was the first instance in Germany in which salaried, trained persons had been employed in the care of foster children, or for any other form of social work. It stands therefore as an important date, not only in the history of German child welfare work, but in Germany's whole social work development. Dr. Taube was insistent upon training for these social workers and upon their being salaried and thus accountable in their work.

The final state in the development of the Leipzig program began with the appointment in 1822 of Dr. Taube as the children's physician at the head of the Ziehkinderanstalt. Up to this time, the work had gone on without the aid or sanction of any law or statute. In 1883, a clause in a local employment law made it possible to receive children legally for care, as a sort of police measure; and, in 1884, an ordinance placed illegitimate children boarded out with persons who were not relatives legally under the care of the Ziehkinderanstalt.[2] Illegitimate children boarded with relatives other than the mother and her parents were finally brought under the legal supervision of the agency by an order of the poor law officials in 1891.[3]

Very soon after he began his work as director of the agency Dr. Taube approached the government of Saxony with a proposal that the rights and duties of guardianship as well as the obligation to give

[1] Klumker and Petersen, *op. cit.*, p. 15. [2] *Ibid.*

[3] *Regulativ vom Armendirektorium und Armenrat*, June 1, 1891.

health service and supervision through social workers be given to the Ziehkinderanstalt. The government was favorable to the plan, and, in May, 1886, issued a ministerial proclamation providing that all illegitimate children who were under the supervision of the Ziehkinderanstalt should be, in so far as the guardianship court of Leipzig was favorable, under the guardianship of the director of the poor law office (Armenamt) as representative of the Ziehkinderanstalt. Finally, in 1889, an order of the Ministry of Justice placed not only the boarded out illegitimate but, as well, all children who were in any way under the care of the poor law officials under the same guardianship rule. Dr. Polligkeit indicates that this guardianship rule was further extended in 1889 to those minors in correctional schools, whose parents were unsuitable guardians, and who, therefore, stood in need of special guardianship.[1] Other communities in Saxony followed the Leipzig plan. Before, however, a general state law was passed regulating the matter, the National Civil Code was passed (1896), going into effect on January 1, 1900, and bringing in a new period in the care and guardianship of illegitimate and dependent children.

Professor Klumker significantly summarized the Leipzig Plan under three headings:

1. This form of guardianship had no statutory basis. It existed as a voluntary co-operative enterprise between various officials, and used as its instrument certain city officials, principally the chairman of the poor law commission. A very essential difference between this and the forms of guardianship established as the right of the poor law officials lies in the extent of the rights of guardianship and their limits with reference to previous guardians. Whereas, every other type of similar guardianship, in so far as can be learned, always took precedence over the authority of parents or single guardian, this could not be the case in Leipzig and Saxony because here it concerned no statutory guardianship whatever, but a "collection"-guardianship (Sammelvormundschaft), which in each individual case had precisely the status of the ordinary guardianship.

2. This form of guardianship concerned itself first both in time and importance with the illegitimate children, and later with those who were under the care of poor law officials. Above all—and this point must be definitely borne in mind in connection with further developments—it was the illegitimate children who were under supervision, whether cared for by relatives or by the public poor law officials.

[1] Friedeberg-Polligkeit, *op. cit.*, p. 283.

The providing of guardianship for illegitimate foster-children boarded in families other than that of the mother or her parents was the essential element in the Leipzig system of public guardianship before 1900.

3. The exercise of guardianship is not an independent duty of the public guardian but is combined by the officials into actual social work care (Fürsorge) for the wards, which is in itself independent of the guardianship. *The Supervision of the foster children through physicians and trained social workers*—which one considers today a general characteristic of all real social work care for illegitimate children—*is the fundamental factor of the Leipzig guardianship plan.*[1]

The framers of the Civil Code of Germany chose, from among the three previously existing systems of law concerning the care and guardianship of illegitimate and other dependent children, the system least suited to the actual needs and problems of those for whom the legislation was designed. Professor Klumker has repeatedly characterized the procedure of the legislature at this point in languages which lacks a great deal of being complimentary. In a recent article, he makes the following comment:

> The Civil Code set up, on the basis of formal legal considerations, unified provisions, applicable to the entire Reich, concerning the rights of illegitimate children. The legislators knew very little of the miserable condition of these children and therefore had not the slightest notion what influence their new regulations would have in practice. They made no attempt to inform themselves concerning actual conditions. At any rate, there is no trace of it in their discussions. . . . . It very nearly happened that the whole attempt to improve conditions on the basis of the Leipzig system, which for 15 years had operated so successfully, was denied by law. Only at the last minute was it possible to secure a sort of "respite from the gallows" through the law giving effect to the Code.[2]

In preparing the Civil Code, the legislators were following normal political patterns. Prussia was the dominant state in Germany. Therefore the proper law for all of Germany was Prussian law. Other states objected—particularly Saxony. Further, an influential national organization known as the Deutscher Verein für Armenpflege und Wohltätigkeit carried forward agitation for revision, or at least relaxation of the law as drafted. Dr. Taube and Professor Klumker were two of the leaders of this organization. Through a useful device

[1] Klumker and Petersen, *op. cit.*, p. 17.

[2] Christian Klumker, "Der Unehelichenschutz im Deutschen Reich," *Archiv für Sozialwissenschaft und Sozialpolitik*, LV, Part I (January, 1926), 156.

in the methodology of the German legislative process, viz., the device of passing a law putting another law into effect, it was possible to return jurisdiction in matters relating to the guardianship of illegitimate children and other dependent children in institutions to the separate states.[1]

For those vitally interested in the provision of a system of care and protection for illegitimate children of a sort which would result in the fostering of health and the assuring of educational opportunity, the failure of the Civil Code to institute a satisfactory national program at this point was a sore disappointment. It was significantly a lost opportunity. It meant that another quarter of a century of study, experiment, and agitation was necessary before the principles of Dr. Taube were to be incorporated into national law.

During the period, therefore, from 1900 to 1924 Germany enjoyed the sort of crazy-quilt arrangement in her law and practice concerning the care of illegitimate children with which the citizens of the United States are so constantly, and sometimes so painfully, familiar.

Prussia, through a law of September 20, 1899,[2] giving effect to the National Civil Code, limited the exercise of statutory guardianship to the directors of educational and training schools which were under either state or local government control, placing under their supervision only the pupils in these schools. All other dependent children in need of guardianship were to be provided for through local statute of the poor law authorities. Those children, therefore, who received no support from the public treasury were provided with no statutory guaranty, either state or local, of proper guardianship. This included, of course, great numbers of the illegitimate. Thus in Prussia, illegitimate children continued to grow up under the guardianship of their maternal grandfathers or under no guardianship at all, just as they had done in the period before the enactment of the Civil Code. The Prussian Correctional Education Law of February 2, 1900,[3] did extend the responsibilities of statutory guardianship to the directors of private training schools, provided the competent local government officials petitioned the court for such appointment. This possibility

[1] Art. 136, *Einführungsgesetz zum Bürgerlichen Gesetzbuche.*

[2] Art. 78. [3] Sec. 12.

reached not only to those actually in the institution but included, as well, minors brought under care in families for the purpose of correctional education. Naturally, a considerable number of children of illegitimate birth found guardianship care in this manner. But the provision of Prussia could not, in any sense, be considered adequate.

Bavaria, second largest state in the Reich, made provision in the statute putting into effect the Civil Code[1] only for institutional guardianship over children inside the institution. By statute of February 23, 1908, the possibility of a much wider guardianship program was provided. By this law, official guardianship over children in institutions and over those in family care as well was made possible, either on the basis of appointment in each case by the guardianship court or ex officio on the basis of local statute.

The other two south German states, Württemberg and Baden, passed very conservative legislation in 1899 and 1900, respectively.[2] The law in Württemberg placed under statutory guardianship only the pupils of state correctional and training schools, the director of the school being ex officio guardian of the population in the school. The provision in Baden was that the local authorities might pass legislation placing the guardianship of minors receiving support from poor law funds in the hands of the poor law officials. Württemberg made further extension of guardianship for special groups of children through a statute in 1912 placing official guardianship of the appointive sort on a legal basis.[3]

The law provided for official guardianship for those groups specified in Article 136 of the law giving effect to the Civil Code. This provision was, however, not obligatory. Local authorities and state poor law officials were charged with responsibility for putting into effect programs permitted under the statute. Two forms of public guardianship might be instituted—either that in which some public official served as guardian or that in which the director of an institution was charged with responsibility for wards under his care. Final

[1] Art. 100.

[2] *Zwangserziehungsgesetz*, Württemberg, December 29, 1899; law of August 16, 1900, Baden.

[3] See Landgerichtsrat von Wider, "Das württembergische Gesetz über die Berufsvormundschaft," *Zentralblatt*, IV. No. 8 (July 25, 1912), 88–91.

institution of a local program of public guardianship was dependent upon the consent and sanction of the Minister of Justice or, in the case of guardianship to be exercised by an institution director, of the minister under whose jurisdiction the affected institution had been placed.

The following four groups of minors might be made subject to guardianship control under the provisions of this permissive statute: (1) poor law children, both in institutions and families, (2) illegitimate children receiving public aid and standing under the supervision of a public official, even though living with their mothers, (3) children under public supervision even though supported at private cost, and (4) children under correctional education orders, both in institutions and families. Once responsibility had been assumed under this statute, guardianship was to be continued until the minor had attained full legal majority.

The Jugendamt law of October 8, 1919—the first Jugendamt law in Germany—provided that the Jugendämter should exercise guardianship over all illegitimate children, thus placing them in the legal position which they now hold. Baden, in 1914,[1] extended to all children included in the provisions of Article 136 of the national law giving effect to the Civil Code the possibility of specialized guardianship, local plans and policies requiring only the approval of the competent ministry of the state.

Hesse, by law of August 9, 1905, limited the possibility of specialized guardianship to those children who received poor law support. Alsace-Lorraine continued to follow the general principles of French law, extending, however, the right of guardianship of the administrative head of the public children's home to those children under poor law support living in families as well as to the institution population.

The Hansa cities of Hamburg, Bremen, and Lübeck all made quite liberal provision for the care of illegitimate and dependent children. In Hamburg, the director of public child care[2] exercised guardianship over all illegitimate children and all orphans who were in need of guardianship. For those orphan or illegitimate children not in need of special guardianship, but in whose cases there existed, in the opinion of the guardianship court, a necessity for the appoint-

[1] Law of July 8.

[2] Law giving effect to the Civil Code, July 14, 1899.

ment of a so-called Pfleger to care for the person of the minor, the director of public child care was indicated as the person to be appointed. This Pflegschaft carried with it the right to educate and to apply certain punishments when deemed advisable. This right to punish applied not only to minors in correctional schools but even to those receiving public assistance and living at home under the authority of their parents.

Three laws of December 21, 1912, made it possible for the senate of the city-state Bremen to name the Jugendamt of Bremen as general guardian of all children under the care of the Jugendamt who were in need of guardianship, as well as of all illegitimate children. The right of motion for such appointment was placed in the hands of the poor law officials of the city and the rural communities.

In Lübeck, the law and practice in the matter of special guardianship remained as it had been before 1900, until February 13, 1912, when a statute[1] was enacted providing the possibility of official guardianship for all children cared for either in an institution or a family at public cost, and, as well, for all children under the supervision of the public child welfare bureau, the costs of whose care were paid from private sources. This latter group included all illegitimate children who were under the supervision of a designated official of the public bureau, but living with their mothers. This was not a form of statutory guardianship, but of appointive Sammelvormundschaft. Section 4 of the law specified that the guardianship court was at liberty to appoint a guardian other than the official designated by the child welfare bureau for this work. Statutory guardianship for all children in the city children's home remained in the hands of the director of that institution. Definite specification was made in Lübeck also that these forms of guardianship were to continue in force until the minor had reached twenty-one years of age.

In Saxony,[2] local government officials were empowered, with the consent of the Ministry of Justice, to name either the director of an institution or an official who should serve as guardian for all or individual children who were cared for in an institution or family,

[1] *Zentralblatt für Vormundschaftswesen, Jugendgerichte und Fürsorgeerziehung.* IV, No. 8 (July 25, 1912) 85–88. "Die öffentliche Jugendfürsorge in Lübeck und ihre Reform," von Dr. Link.

[2] Law giving effect to the Civil Code, Sec. 37.

chosen by this director or official or, in so far as they were illegitimate, living in the family of their mother. In 1900, in Leipzig, guardianship of all illegitimate children, whether living with the mother or in another household, was given over to the director of the Ziehkinderanstalt, while the chairman of the poor law commission was charged with the guardianship of dependent children receiving support from public funds. Other smaller states, some of which are no longer separate political units, legislated in a fashion similar to one or another of the larger states.

Thus, each followed its own bent and its own traditions. The results may be summarized in outline form.[1]

GROUP I—STATUTORY GUARDIANSHIP[2]

(Classified on the basis of groups of wards involved)

1. Official guardianship for illegitimate children (all, or most of the illegitimate children in a locality under the guardianship of a specified official).

2. Official guardianship of dependent children by the poor law officials (this was carried out on a local basis, sometimes involving small areas, and sometimes quite large local areas with a poor law committee [Gemeindeverband] carrying out the duties of guardianship).

3. Statutory institution guardianship (the superintendent or director of an institution for children specified by law as guardian of all children under the care of the institution).

GROUP II—SO-CALLED SAMMELVORMUNDSCHAFT (ASSEMBLED OR COLLECTED GUARDIANSHIP)[3]

(Classified according to the person who carries out the duties of guardianship)

1. Of an official (usually a city official serving as guardian for illegitimate children and a few "poor law" children).
2. Of an institution superintendent or director (appointed by the guardianship court as guardian of each child admitted to the institution or placed through the institution).

[1] The outline is taken from Professor Christian Klumker and Dr. Johann Petersen, "Berufsvormundschaft (Generalvormundschaft)," *Schriften des Deutschen Vereins für Armenpflege und Wohltätigkeit*, Vol. LXXXI (1907), Foreword. Cf. Polligkeit, *R. J. W. G. Kommentar*, p. 285.

[2] These forms of guardianship are those in which the guardian holds his position by virtue of a statute making him guardian, and not by virtue of appointment by a court.

[3] These guardians are appointed by the guardianship court separately in each individual case. However, the same person accepts appointment in a considerable number of cases, becoming thus a sort of professional guardian.

3. Of a private person (this was called Vereinssammelvormundschaft. The practice was for a children's agency to name some person who held himself ready to accept appointment as guardian for children for whom no other appropriate guardian was at hand. This form of guardianship involved, in addition to illegitimate and orphan children, a number of cases of older neglected or endangered children).

The practice under group II proceeded in part under state or local empowering legislation or executive order. In other cases, one or another form of this assembled guardianship arose as a matter of voluntary understanding between the judge of the guardianship court and the official, institution, or agency immediately concerned. It was within the range of this non-statutory guardianship that experiment was made and that progress was achieved during the quarter of a century between the passage of the Civil Code and the National Child Welfare Law.

Leadership in the movement for reform centered in Frankfurt on the Main in the German Archives for Public Guardianship (Archiv deutscher Berufsvormünder) which grew in 1906 out of one phase of the activities of the Deutscher Verein für Armenpflege und Wohltätigkeit. The three most influential figures in the work were Professor Christian J. Klumker, who has directed the activities of the archives throughout the full twenty-five years of its life, Dr. Taube, of Leipzig, and Dr. Johann Petersen, for many years director of the Bureau of Public Child Care in Hamburg. The Archives concerns itself not only with problems of guardianship but also with juvenile courts and correctional education, the other two most significant items in public child care in Germany. In the published reports of the annual conferences of the Archives, in the volumes of the monthly journal which has appeared regularly since 1909, and in a considerable list of special publications from the Archives, the details of the history of practice and effort in these difficult fields are to be found.

The record of these details cannot form part of the present study. Their compilation would demand a separate volume. Such a volume is in preparation by Dr. Heinrich Webler, the executive secretary of the German Archives for Public Guardianship.

The general trends in the application of the various forms of

public guardianship practiced in Germany is indicated by the accompanying figures in Table I for 1910 and 1923.

TABLE I

NUMBER AND PER CENT DISTRIBUTION OF WARDS UNDER PUBLIC GUARDIANSHIP IN GERMANY IN THE YEARS 1910 AND 1923, CLASSIFIED ON THE BASIS OF FORMS OF GUARDIANSHIP

TYPE OF GUARDIANSHIP	NUMBER*		PER CENT DISTRIBUTION	
	1910	1923	1910	1923
Total	*75,951*	*215,901*	*100.0*	*100.0*
General statutory guardianship for illegitimate and orphan children	*24,940*	*27,590*	*33.0*	*12.8*
Public poor-law guardianship:	*19,487*	*4,954*	*25.8*	*2.3*
Prussia	13,857	3,847	18.3	1.8
Baden	1,275	826	1.7	0.4
Reichlande	3,914	.....	5.2	.....
Other states	441	281	0.6	0.1
Statutory institution guardianship:	*3,992*	*8,387*	*5.3*	*3.9*
State and provincial institutions	1,948	.....	2.6	.....
City institutions	1,634	3,358	2.2	1.6
Institution guardianship in Württemberg	410	5,029	0.5	2.3
Appointive guardianship by public officials:	*21,132*	*141,015*	*27.9*	*65.3*
Prussia	17,415	108,395	22.9	50.2
Saxony	576	1,661	0.8	0.8
Alsace-Lorraine	1,755	.....	2.3	.....
Other states	1,386	30,959	1.9	14.3
Public poor law guardianship combined with appointive guardianship for illegitimate children	.....	*31,040*	.....	*14.4*
Appointive guardianship by institutions and agencies	*6,040*	*2,915*	*8.0*	*1.3*

* Figures taken from *Zentralblatt für Vormundschaftswesen, Jugendgerichte und Fürsorgeerziehung*, XV, No. 8 (November, 1923), 154. These figures were compiled by the Archiv Deutscher Berufsvormünder on the basis of voluntary reporting. They are therefore not entirely complete nor absolutely comparable from year to year. No figures were published for 1912, 1922, nor for the years 1916–20.

Aside from percentages for the year 1915 (see *Zentralblatt*, XIV, No. 4 [July, 1922], 73), no figures for guardianship work were published during the war, nor afterward, before 1921. The whole system of child care and, as well, the rates of illegitimacy, orphanage, and dependency were so disturbed by the war that any statistics gathered would have held more interest for the curious than value for the student seeking to trace the development of policies.

Table I shows the total number and per cent distribution of wards under care at a particular time[1] in the years indicated, classified on

[1] The compilation of figures for these annual reports to the Archives was made at different times in different years. The figures represent, however, totals at a given time rather than complete yearly totals.

the basis of the type of guardianship practice. It will be noted that by the end of the period the old poor law guardianship had dwindled from 25.8 per cent to only 2.3 per cent, while appointive guardianship of a public official—the form developed by Dr. Taube in Leipzig and the form which the leaders in the German Archives for Public Guardianship constantly worked for—began at almost the same figure as the poor-law form and increased year after year until it included 65.3 per cent of all children under special guardianship care in 1923. Further, whatever proportion of the 14.4 per cent under the combined form of poor law and appointive guardianship were illegitimate must be added to the figure of 65.3 per cent in order to give a complete total for the practice of guardianship by a responsible official with more or less trained staff for supervising and assisting in the care of his wards. In 1910, the older, less adequate, types of care embraced 58.8 per cent of all children under special guardianship, while the newer, more adequate, form was practiced in only 27.9 per cent of the reported cases. At the end of the period the older form had sunk to 15.1 per cent and the newer had risen to 79.7 per cent.

From these figures it is not difficult to see why the legislators chose the form of official guardianship enacted in section 35 ff. of the National Child Welfare Law. Twenty-five years before, the system was the "Taubische" or the "Leipziger" system. In 1922, it could not be limited by so local or personal a designation. In 1896, when the German Civil Code was enacted, the leaders in the movement for adequate guardianship and care for illegitimate children and others in need of similar care had hoped—and apparently had believed—that both the results of the system and the logic of the scheme would elicit from the national legislature action favorable to their plan. That they were disappointed but undaunted is reflected in their efforts during the next quarter of a century. The reward of their perseverance is being constantly reaped by somewhat more than a half-million German children under fourteen years of age. On March 31, 1929, the total number under official guardianship was 603,803.[1]

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[1] *Statistisches Jahrbuch für das deutsche Reich*, 1930, p. 446.

SOURCE MATERIALS

SIR SAMUEL ROMILLY AND THE ABOLITION OF CAPITAL PUNISHMENT

EDITORIAL NOTE

ROMILLY'S *Memoirs*,[1] which his sons edited and published with some of his letters after his death, tell the story of his life and work in behalf of the abolition of capital punishment—particularly capital punishment for stealing—and can be read, a century after their preparation, with the greatest interest by those interested in the social reform movements of today. Capital punishment still survives in the second quarter of the twentieth century, and many of the arguments in favor of capital punishment as it exists today are not unlike the replies that were made to Romilly's convincing and persuasive arguments for the abolition of capital punishment for stealing more than a hundred years ago.

Romilly's father and mother were both children of Huguenot refugees, and his family traditions may have been in some measure responsible for his eagerness to do justice to all men. He was called to the bar in 1783, and his character and ability soon won him a place of influence and leadership. He became "King's Counsel" in 1800, a member of the House of Commons and Solicitor-General in 1806, and he remained almost continuously in the House of Commons until his death.

The *Westminster Review* in an article published in 1840 takes note of his rise "from obscurity and comparative poverty to fame and affluence" and dwells on the fact that all his wealth and honor were "acquired without one degrading artifice, without one sacrifice of principle; his course was an honest one from the beginning to the end."

[1] *Memoirs of the Life of Sir Samuel Romilly, Written by Himself; with a Selection from His Correspondence.* Edited by his sons. 3 vols. 2d ed. London, 1840. Discussions of Romilly's work will be found in Sir William J. Collins, "Sir Samuel Romilly" in *Proceedings of the Huguenot Society of London*, VIII (1905–8), 310–39; Coleman Phillipson, *Three Criminal Law Reformers; Westminster Review*, XXXIV (1840), 174–202; *Quarterly Review*, LXVI (1840), 564–626.

His family traditions also led him to a study of French literature, to Geneva, and to Paris. His interest in legal reform he owed in part at least to his friends, the great French philosophers Diderot, Voltaire, and Rousseau.

He escaped the bigotry, the narrow and obstinate prejudices, of his own profession; and learned, for a lawyer that first and most important lesson, that what is, and what ought to be, are not the same. But while he thus acquired freedom from his professional bondage, his cautious and prudent character preserved him from the enthusiasm (then so prevalent) of preaching a crusade against all existing institutions. He seems early to have learned that anyone who wishes to be a law-reformer must be prepared to build up before he proceeds to pull down; that while it may be easy to lay any edifice in ruins, it is usually a very difficult task to raise up a better in its place.[1]

He was interested in various reforms. In 1807 he spoke in favor of Whitbread's important bill for establishing schools for the education of the poor. He said that many persons thought the plan was not sufficiently matured and required further consideration; but he wrote, "I am afraid a much greater portion of the House think it expedient that the people should be kept in a state of ignorance." He was not surprised that men who were opposed to the abolition of the slave trade should also be opposed to popular education. He wrote with regard to the education bill in 1807 that some people insisted that

when it is proposed to communicate knowledge to the lowest classes of society, it is very important to be informed what knowledge it is intended to give them; and that we should be very sure that they will not be taught errors, both in religion and politics, instead of truths. But what is proposed is, not to give knowledge to the poor, but to qualify them to acquire it; it is by teaching them reading, writing, and arithmetic, to give them means, which they do not now possess, of acquiring and communicating ideas, and of exercising their minds.[2]

Writing in his parliamentary diary again in 1807, he says:

I have long been struck with the gross defects which there are in our Criminal Law, and with the serious evils which result from our present mode of administering it. When I first went the circuit, which is now twenty-three years ago, some instances of judicial injustice which I met with made a deep impression on me; and I resolved to attempt some reform of the system, if I ever should have an opportunity of doing it with any prospect of success. . . . . What I have it in contemplation to do, however, compared with what should be done,

[1] *Westminster Review*, XXXIV (1840), 185. [2] *Memoirs*, II, 223.

is very little. It is only, in the first place, to invest criminal courts with a power of making to persons who shall have been accused of felonies, and shall have been acquitted, a compensation, to be paid out of the county rates, for the expenses they will have been put to, the loss of time they will have incurred, the imprisonment and the other evils they will have suffered: not to provide that there should be a compensation awarded in all cases of acquittal, but merely that the Court, judging of all the circumstances of the case, should have a power, if it thinks proper, to order such a compensation to be paid, and to fix the amount of it; a power similar to that which it now has under two acts passed in the reign of George II, to allow the expenses of the prosecution, and a compensation for loss of time and trouble to the prosecutor.[1]

However, he consulted a friend who dissuaded him from his plan of moving without first consulting the judges. He reluctantly gave up his plan, for he said he could "not think of consulting the judges; I have not the least hope that they would approve of the measure."

He was out of parliament for a few months in 1808 and found himself discouraged because he had done so little for the cause about which he was so much concerned. He wrote in his diary:

During the short time that I was out of Parliament, I regretted very much that I had made no attempt to mitigate the severity of the criminal law. It appeared to me that merely to have brought the subject under the view of the public, and to have made it a matter of parliamentary discussion, would, though my motion had been rejected, have been attended with good effects. On coming again into Parliament, therefore, I determined to resume my original design. In the meantime . . . . my friend Scarlett . . . . had advised me not to content myself with merely raising the amount of the value of property, the stealing of which is to subject the offender to capital punishment, but to attempt at once to repeal all the statutes which punish with death mere thefts, unaccompanied by any act of violence, or other circumstance of aggravation. This suggestion was very agreeable to me. But, as it appeared to me that I had no chance of being able to carry through the House a Bill which was to expunge at once all these laws from the statute book, I determined to attempt the repeal of them one by one; and to begin with the most odious of them, the Act of Queen Elizabeth, which makes it a capital offence to steal privately from the person of another.[2]

He supported many social welfare measures. His early interest in education has already been referred to. He was also an advocate of the mitigation of the rigors of the poor law, the abolition of the laws of imprisonment for debt, the introduction of the penitentiary system. In 1810 he notes in his diary that he

[1] *Ibid.*, pp. 235–36.

[2] *Ibid.* (1808), pp. 244–45.

moved that an address should be presented to the King, to pray that he would give directions for carrying into execution the Acts of 19 George III and 34 George III for erecting Penitentiary Houses. I stated very fully the gross injustice that, in particular instances, had been done by transporting felons to New South Wales, and I endeavoured to point out, as forcibly as I could, the mischiefs which resulted from that species of punishment, as well as from imprisonment on board the hulks and in common jails, where prisoners of every description are confounded together, and youths imprisoned for their first offences, are compelled to associate with, and are exposed to be corrupted by, the most desperate and hardened thieves.[1]

When the second reading of his bill to abolish capital punishment "for the crime of stealing privately to the amount of five shillings in a shop" reached the House of Lords, it was rejected by a substantial majority, a rather full attendance of peers having gathered to throw it out. Among these were no less than seven bishops. Romilly, "recollecting the mild doctrines of their religion," hesitated to think that "they could have come down to the House spontaneously, to vote that transportation for life is not a sufficiently severe punishment for the offence of pilfering what is of five shillings' value, and that nothing but the blood of the offender can afford an adequate atonement for such a transgression."

His parliamentary diary contains an interesting account of his meeting with Elizabeth Fry not many months before his death. He was dining at the home of a fellow member of the House of Commons and records the following incident as important:

27th Fri. Dined at Mr John Smith's (the member for Nottingham). Among the company I met there was Mrs. Fry, who had now for about a year most generously devoted herself to the care and improvement of the female prisoners in Newgate. She is the wife of a rich banker in the City; and it is from pure motives of humanity and religion that she had been induced to make such a sacrifice of her time and her comforts. By the accounts of those who knew the prison in its former state, the reforms she has effected are the most important and complete. I learned from her some curious facts respecting the effects produced by capital punishments. Her observations are the more valuable, as she has had such opportunities of seeing and conversing with the prisoners. She told me that there prevails among them a very strong and general sense of the great injustice of punishing mere thefts and forgeries by hanging: that it is frequently said by them, that the crimes of which they have been guilty are nothing, when compared with the crimes of Government towards themselves; that they have only been thieves, but that their governors are murderers. There is

[1] *Ibid.*, pp. 325–26.

an opinion, too, very prevalent among them that those who suffer under such unjust and cruel sentences are sure of their salvation: their sufferings they have had in this life, and they will be rewarded in that which is to come. All the crimes they have committed, they say, are more than expiated by the cruel wrongs they are made to endure. She spoke of the docility she had found, and the gratitude she had experienced from the female prisoners, though they were the most profligate and abandoned of their sex. Kind treatment and regulations, though of restraint, yet obviously framed for their benefit, seem to have been alike new to them; and to have called forth, even in the most depraved, grateful and generous feelings.[1]

There are those who think that Romilly's work was not comprehensive, that it was cautious, partial, tentative; but it is well to recall all the circumstances of his busy and active life before passing any judgment on his work. The Westminster reviewer, already referred to, notes particularly the importance of comparing his life and work with that of

the host of lawyers whom he found arrayed against all change, and ready to defend every abuse, however monstrous. It is only when we contrast him with the ignorant, arrogant, bigoted, intolerant, and cruel tribe with whom, indeed, he was numbered, but from whom he stood out in glorious relief, that we can thoroughly appreciate his excellence. The words we have used in describing his brethren will doubtless grate harshly on many ears. But we pray our reader's patient forbearance, until he shall read the very plain tale which Romilly has recorded of the opposition which all his endeavours to ameliorate our law met with from the Eldons, Ellenboroughs, Redesdales, &c. of those times. And when he had learned the futile arguments by which a bloody code was sought to be supported, the reckless cruelty with which it was daily yet vainly enforced—the violence and insolence to which all were subjected who ventured even to whisper that defects existed, then we think he will join with us in the description of the mischievous tribe with whom it is necessary to contrast him.[2]

After he succeeded in 1808 in repealing the Elizabethan statute which made picking pockets a capital offense, success was very slow, and year after year his other bills were rejected. He lived to see very few of the fruits of his labors. In fact, to the end of his life he was a great propagandist in behalf of great reforms, many years before there was any hope of success in securing them. The arguments made today against the abolition of capital punishment for murder were then advanced against the repeal of the old statutes that made

[1] *Memoirs*, III (February 27, 1818), 332.

[2] *Westminster Review*, XXXIV (1840), 186.

various forms of stealing capital offenses. Most of the great lawyers of the early nineteenth century were certain that the abolition of hanging as a punishment, for example, for shop-lifting or for the smallest forgery, would mean the dangerous insecurity of property. Property rights could be protected, they thought, only by hanging the men, women, and children who seemed to infringe upon those rights. It was all very well, they argued, for a country like Russia to abolish capital punishment, for in Russia there was so little that was valuable enough to steal. But in England, the wealthiest country in the world, the great workshop of the world, it was a different story.

Lord Ellenborough and Lord Chancellor Eldon maintained that if the theft of forty shillings was not left punishable by death, the property of every householder in the kingdom would be left wholly without protection.

It was against illiberal opinions of this kind that Romilly struggled in vain. He tells of the young member of the House who said, "There is no good done by mercy. They only get worse; I would hang them all up at once."

The true solution of the problem was found by a later and perhaps more practical statesman than Romilly. This was the younger Sir Robert Peel (later prime minister of England), a man who was not a lawyer and who proceeded on the theory that an efficient police system and not hanging was the proper method of protecting property. Peel as Home Secretary boldly reformed the criminal law, on the one hand abolishing most of the old capital penalties but substituting on the other an efficient police system. The creation of that fine body of unarmed men, the metropolitan police, whose origin goes back to Peel's Act of 1829, has been and is the effective method of preventing crimes which has been substituted so largely in London for execution.

1. Speech in the House of Commons, May 18, 1808[1]

Sir Samuel Romilly stated that, in the criminal law of this country, he had always considered it as a very great defect that capital punishments were so frequent; and were appointed, he could not say inflicted, for so many crimes. No principle could be more clear, than that it is the cer-

[1] Extract from *Hansard's Parliamentary Debates*, 1st Series, XI, 395–400.

tainty, much more than the severity of punishments, which renders them efficacious. This had been acknowledged ever since the publication of the works of the marquis Beccaria;[1] and he had heard, he could not himself remember it, that upon the first appearance of that work it produced a very great effect in this country. The impression, however, had hitherto proved unavailing; for it has not in this country, in a single instance, produced any alteration of the criminal law; although in some other states of Europe such alterations have been made. Indeed, if one were to take the very reverse of the principle, that would be a faithful description of the criminal law of England; in which punishments are most severe, and most uncertain in their application.

It is notorious, how few of those who are condemned, actually suffer punishment. From returns which are to be found in the Secretary of State's office, it appears, that in the year 1805 there were 350 persons who received sentence of death, of whom only 68 were executed, not quite a fifth part of the number; in the year 1806, 325 received sentence of death, of whom 57 were executed; and in 1807, the number was 343, of whom there were executed 63. If we deduct the number of those who received sentence of death for crimes for which pardon is never, or very rarely, granted, and take the number of those who are convicted of felonies, which have been made capital for some circumstances, which are not in truth circumstances of aggravation, perhaps it will be found that of 20 persons condemned to die, only one suffers death. The question is, whether the administration of justice should be suffered to continue in such a state, where the execution of the law is not the rule that is observed but an exception to it, and where it has been lately said in language, which one would expect to hear rather from the lips of a satirist than from the seat of judgment, that the "law exists indeed in theory, but has been almost abrogated in practise by the astuteness of judges, the humanity of juries, and the clemency of the crown." His present purpose was to call the attention of the house to one class only of these severe statutes that had, from the change of circumstances, acquired a severity which was not originally intended: those in which the capital part of the charge depends on the amount of the property stolen; such as the statute of Elizabeth, which punishes with death the stealing privately from the person of another property to the value of 12 pence; the act of William and Mary which makes privately stealing in a shop to the amount of 5 shillings a capital felony, and many other statutes of the same kind.

[1] [A convenient English translation of Beccarria's *Dei delitti e delle pene*, first published in 1764, will be found in Farrer, *Crimes and Punishment*.]

Such an alteration had taken place in the value of money since those statutes passed, that it was astonishing that the law should have been suffered to remain in words the same to the present day; the offences, in the mean time, having become altogether different. Perhaps there was no case which could render more striking the truth of Lord Bacon's observation, that time was the greatest of all innovators; for in proportion as every thing which contributed to the support, the comfort, and the luxuries of life had grown dearer, the life of man had become cheaper and of less account.

There were many mischievous consequences, resulting from such a state of things, which did not strike one at first; but which became more evident, the more they were reflected on. Such laws cannot be executed. Juries are placed in the painful situation of violating one of two duties; they are reduced to the alternative of violating their oath, or what they are sometimes mistakenly induced to think more binding on them, the dictates of humanity. Often again at the plainest evidence, juries find the property not to be of the value of which they and every body else know it to be; and this comes to be considered, as Blackstone somewhere expresses it, as a "pious perjury," words which one is sorry to see ever put together: for nothing can lead to more immoral consequences, than that men should familiarize themselves with the violation of a judicial oath. The law ought not to remain so. Offenders are often acquitted against the clearest evidence: and the very severity of those laws, by a necessary consequence, holds out an encouragement to crimes.

While there are thus two laws, one upon the statute book, and another in practice, a total change has taken place in the nature of that which is considered as the most valuable prerogative of the crown: the prerogative of shewing mercy. The true state of the case is, that, in exchange for that prerogative, the crown has the painful duty imposed on it, of selecting those upon whom the judgment of the law shall be executed. In London and Middlesex this is done by the privy council, but upon all the circuits this duty devolves upon the different judges of assize; and it is felt by them to be the most painful of their duties. No rules are laid down to govern them in the discharge of it; but they are left to their own discretion, which must necessarily be as various as are their different habits and sentiments and modes of thinking. It may be the opinion of one judge, that punishments ought to be inflicted most strictly when crimes are most frequent; another, with the same anxiety for the discharge of his duty, thinks that it is most useful to be rigourous when crimes make their first appearance. One judge is more influenced by humanity; another more swayed by a sense of what is due to the safety of the community. And

thus, their discretion is apt to be exercised under motives, not only different, but often quite contrary.

The question is, what should be the remedy? Being sensible that, when a private individual takes upon himself to propose alterations in the law, it becomes him to proceed very cautiously, to do at first too little rather than too much, to alter and yet not seem to innovate, and to have the test of experience in favour of his first essays at improvement, before he proceeds to propose all that he would have established; being strongly impressed with this, he had at first intended only to move to repeal the statutes, and to propose others in the same words, only with sums equivalent to the value of what was originally fixed by the legislature; and by re-enacting the laws such as by the authors of them they were meant to be, to repeal those statutes which time and a change of circumstances had imperceptibly substituted in their place. But, when he found that he would thus be enacting capital punishments for offences, in which there are no circumstances of aggravation, he could not bring his mind to do it, and he determined to propose the simple repeal of all those statutes. As, however, they will require different considerations, he judged it most expedient to bring them one by one under the review of the house; and he proposed, therefore, to begin with the most objectionable, the 8th of Elizabeth, chap. 4. which made stealing privately from the person [pocket-picking] a capital offence: declaring it at the same time to be his intention, and wishing it to be understood, that he will at proper times bring forward a repeal of the others. The unnecessary severity of the 8th Elizabeth,[1] its absurdity and want of logic, made it a disgrace to the statute book. [Read the preamble and first enacting clause.] Reciting that the offence was sometimes committed under circumstances which were an aggravation, therefore it enacts that in all cases, and although there was no aggravation, clergy should be taken away. In his time, he never had heard but of one single instance in which an offender, convicted under this statute, suffered death; it was a case upon the northern circuit, where a pickpocket detected in court was immediately tried and left for execution. It was a solitary case as far back as he could remember, and even if that had been omitted, it would have been no great misfortune. Under this statute, from the strict construction which the judges observed of the word "privily," that very violence which would be an aggravation of the offence, if it is not such as to amount to robbery, saves the offender.

There was another subject which, he thought, required the interposi-

[1] [8 Eliz. 4, "An Act To Take Away the Benefit of Clergy from Certain Offenders for Felony" (1565), *Great Britain Statutes at Large*, VI, 235.]

tion of the legislature; it was to provide, in certain cases, a compensation to persons tried and acquitted, after having been long detained in prison. At present they have no compensation, except by an action for a malicious prosecution, where the judge is satisfied there was no probable cause. If suspicion of having committed a crime falls upon an individual in the labouring class of people, whose family depends upon his daily wages for subsistence, he may lie eight months in gaol; for that is sometimes the interval between the summer and lent assizes; and in the four northern counties, he may be imprisoned above a year. His family in the meantime is, probably, consigned to the workhouse, and when he returns home after an acquittal which completely establishes his innocence, he finds them ruined in their health or corrupted in their morals. If, for the convenience or utility of the public, private property is ever interfered with by the authority of parliament, full compensation is carefully made to the owner; but what is that loss which is thus compensated to the opulent, compared with the injury suffered by the poor man in the case he had mentioned? It will be said, that such a case does not happen often, but it sometimes happens, and in such cases a remedy ought, no doubt, to be provided. The difficulty was, that it is not every person acquitted who deserved compensation; because many persons were acquitted who are still guilty; acquittals from defects of form being unavoidable, even under the best ordered laws.

Another difficulty was, that if such a remedy were given by law, it might have a mischievous effect towards those very persons, who are the objects of redress; because in some cases the evidence was so nicely balanced, that if the jury felt themselves reduced to the alternative of convicting or of giving a reward to the prisoner by acquitting him, this consideration might have the effect of determining them to convict. The discretion of saying in what cases compensation should be given, could only be reposed in the jury or in the court; and he thought that there could be no hesitation between those two. The jury ought not to have their attention diverted from the single point of ascertaining the fact, of guilty or not.

2. Speech in the House of Commons, February 9, 1810[1]

Sir Samuel Romilly stated that on the present occasion, he only meant to take notice of capital punishments. On a future occasion, he would bring forward the subject of transportation. As to the former he believed there was no country on the face of the earth in which there had been

[1] Extract from *Hansard's Parliamentary Debates*, 1st Series, XV, 366–71.

so many different offences according to law to be punished with death as in England. The indiscriminate application of the sentence of death to offences exhibiting very different degrees of turpitude had long been a subject of complaint in this country, but it had still been progressive and increasing. He need only refer to those principles so universally and triumphantly established by Dr. Adam Smith, very few of which had been acted upon, to prove this point. In his opinion, nothing could be more erroneous or more mischievous than that certain punishments should be allotted to particular offences, and that the law so laid down should not be acted on, and peremptorily enforced. He believed that, at this moment, not one out of six or seven who received sentence suffered the punishment annexed by law to their respective offences.

It was supposed by some persons that the severity of the law might and ought to be mitigated, by the extension of mercy; but this he thought a very mistaken principle; for he thought no laws should be enacted that were not intended to be enforced. There were, indeed, some acts in our Statute book which one could not hear read without horror, and which it was almost impossible to conceive could have found their way into it. Such, for instance, as the Act which makes it a capital offence in any person, male or female, to be seen in the company of gypsies for the space of a month. That Act had, however, been enforced for nearly a century; and it was lamentable to think, that no less than 13 persons had been executed under its cruel provisions at one assizes.

There was the greatest reason to believe that our criminal code had, in ancient times, been not only most sanguinary but as sanguinarily executed. Fortescue, who was Chief Justice of the King's bench and afterwards lord chancellor to Henry VI. in his excellent treatise on absolute and limited monarchy, which was written during his residence in France, for the instruction of prince Edward, the son of that unfortunate monarch, relates, that there were more persons in England yearly executed for highway robberies alone, than in France for all other crimes in seven years. In the reign of Henry VIII. it is stated by Hollinshead and other credible historians, that about 72,000 persons were executed, which was after the rate of about 2,000 a year, during the reign of that monarch. In queen Elizabeth's time the number of executions fell to about 400 a-year.

From that period to modern times, there were no data upon which to go. Sir Stephen Theodore Janssen, who was some time Chamberlain of the City of London, published tables [which are to be found in Mr. Howard's book] of the number of persons convicted and executed in London and Middlesex, from 1749 to 1772: the result of which went to

shew, that of 428 persons convicted, 306 were executed, being a proportion of about three executions to four convictions. From the year 1756 to 1764, the executions amounted to about one half; and, from 1764 to 1771, to more than a half. This brought the account to the end of the first ten years of his present Majesty's reign. In succeeding periods, a great diminution had taken place in the proportion between the number of convictions and the number of executions. In the London district, from 1801 to 1809, only about one-eighth of the persons convicted were executed. In 1808, there had been convicted 87, and only three executed, which was but one in 29. He had been thus particular in stating the number convicted, to shew, how little the penal laws had operated in the prevention of crimes.

In those offences in which the perpetrators could not expect mercy, such as murders, rapes, arson, &c. it could not be expected any alteration in the law should take place; but stealing privately in a shop or in a dwelling-house, with many other offences of the like class, if the capital part of the punishment was taken off, the law might be made more effectual; for people offended against them now, under a certainty that they would not incur the punishment. In the number of persons whose guilt was supposed to be such as that they should be sent to trial for stealing in dwelling-houses, the House would be astonished to find, that in the persons committed in London and Middlesex, in seven years, there have been executed only as 8 to 1,802; and since that only one had been executed out of 1,872. In the other parts of the kingdom, he believed they were in a proportion of one to upwards of 3,000. So that, on an average of 7,196 persons committed for trial for those offences in the years 1808 and 1809, which the law calls capital offences, only one had been executed. Thus if the question were to be fairly considered, as to what the execution had been, it might be said the law had been unexecuted.

In bringing this subject before the House, he hoped he should not, as he had been on former occasions, be represented as a person wishing to be thought possessed of more refined feelings and a greater degree of humanity than his neighbours. He had no such ideas in his mind, but in what he did was actuated as much by a desire for the public good, as for that of individuals; and he was particularly induced to bring this matter before the House, from a conviction in his own mind, that the non-execution of the law in the infliction of those punishments he had alluded to, was the cause of crimes, by holding out a prospect of impunity. The circumstances of the times rendered it impossible that all the convictions for this species of offence should be carried into effect. Judges, jurors, prosecutors,

and the crown, all felt sensible that it was impossible for the statutes in these cases to be carried into effect. This alone was sufficient for all reasonable men, that such inefficient and inapplicable laws ought no longer to remain on the statute book.

It frequently happened, that parties were deterred from bringing depredators to punishment, from the severity of the penalty which would be the result of their conviction, and persons were thereby led to the perpetration of crimes by the impunity which was held out to delinquents. As the law was at present put in force, the judges on the circuits, and ministers of the crown in London, decided against whom the sentence of the law should be put in force. This he could not help considering as an unpleasant duty to be committed to any hands. When saying this, however, he was far from meaning to say any thing against the judges of the present day, or those who are gone. He did not recollect any one that had not acted to the best of his judgment according to the intention of the laws, as they stand at present. But if this practice was to be continued, the Legislature should prescribe certain rules to go by in every case. He would not, however venture at present to introduce any great change into our criminal code, but would only suggest, that mere violations of property, unattended with any circumstances of personal violence, or dangerous effects to commerce, ought to be exempted from capital punishments. He had it in view to move for a repeal of the acts of King William III, which made it a capital felony to steal in a shop to the value of 5 shillings; the act of Queen Anne to a similar effect against stealing to the value of 40 shillings in a dwelling house; and the act of George II, against stealing to the like value from any bark or vessel in any river or navigable canal, or on a wharf, for any of which offences persons found guilty, on conviction were liable to the penalty of death.

It was true that the extreme penalty of the law was very rarely put in execution against such offenders; but this was not owing to the leniency of the laws, but to the practice which had of late years been adopted, of suffering such matters to be decided according to the opinion of the judge before whom the matter was tried. This practice of leaving to the discretion of the judge before whom a cause was tried, the sentence which was to be carried into execution, was severely condemned by Sir Matthew Hale and Lord Bacon. He thought the discretionary power at present granted to the judges highly dangerous, and such as no men would desire to be vested with. In some cases, the nature of a prisoner's defence, when he had attempted to prove his innocence by alibis, which the judge had thought ill established, had gone against him. Sometimes it was held as

a matter of aggravation, that the offence was committed in a place where such offences were rare, and therefore that they ought to be checked, or that they were common, and therefore ought to be punished to prevent their multiplication.

Many instances might be adduced of the different judgments which have been pronounced upon the same offence by different judges. The honorable and learned gentleman exemplified this by some cases which had fallen under his own observation, as having happened of late years. Some years ago, on the Norfolk Circuit, two men were indicted for stealing poultry in a poultry-yard. One of them made his escape, the other was tried before Lord Loughborough at the assizes, and convicted; but having been till then a person of good character, and this his first offence, Lord Loughborough thought these circumstances deserving consideration, and only sentenced him to six months imprisonment. The other man who had fled, hearing this, and desirous to see his family, again returned, and surrendered himself. He was tried before Mr. Justice Gould, who, unfortunately for him, had a different idea from his brother judge, and thinking, as it was a first offence, it would be an example more for the public good to punish him severely, sentenced him to transportation for seven years: so that as the first of these culprits was coming out of his confinement, the other was setting out on his voyage beyond the seas. He alluded also to a similar instance in the case of duelling, in which the opinion of one judge was, that killing a man in a duel was certainly murder in the eye of the law; but that it had so long been alleviated, from various considerations, that it was seldom brought in more than manslaughter, and the jury gave a verdict accordingly. In the other case, the judge was of a different opinion; the verdict was for murder, and the unhappy gentleman was executed. On the contrary, if this discretion was given by positive law, every man would know what he had to expect.

The most able defence of this system was to be found in the works of the late Dr. Paley, the excellence of whose writings in general had given him a credit that had had a very mischievous effect, from the errors others had imbibed from this particular part of them. He then went into a long investigation of what Dr. Paley had said on this subject, of capital punishment, and urged many arguments in order to refute his doctrine, in which he endeavoured to shew that Dr. Paley took for granted the very thing in dispute. The hon. and learned gent. concluded by moving, "That leave be given to bring in a Bill to repeal so much of the acts of the 10th and 11th of William III, as takes away the benefit of clergy from persons privately stealing in any shop, warehouse, coach-house or stable,

any goods, wares, or merchandizes of the value of five shillings, and for more effectually preventing the crimes of stealing privately in shops, warehouses, coach-houses or stables."

3. Speech in the House of Commons, May 9, 1810[1]

Sir Samuel Romilly stated that . . . . in considering punishments as they operated to the prevention of crimes, he thought they might be divided into three classes. The principle of the first was that the punishment of the individual should operate on society in the way of terror. The second was to put it out of the power of the person offending to commit crimes in future, either for a certain time specified in the sentence, or for ever. The principle of the third was the reformation of the offending party. This third mode he feared had been very much neglected of late years. He was however ready to allow that there were many very honourable exceptions in the conduct of the different counties which had established penitentiaries.

A favourite system had, as he thought, most unhappily been adopted in the transportation of convicts to New South Wales. Before the restoration of Charles II, the principle had not been adopted, nor was the transportation of convicts known; but after that time, persons found guilty of offences, entitled to the benefit of clergy, and sentenced to be imprisoned, were transported to our settlements in North America. They were not, however, sent away as perpetual slaves, but bound by indentures for seven years, and for the last three years they received wages, in order that a fund might be provided to give them a fair chance of future success in life. By the act of 1717,[2] grand and petty larceny were liable to the punishment of transportation, if the judges thought proper. Thus the law continued, until the revolution in America rendered it impossible to send over any more convicts to that country. As the persons so transported were bound in this manner, those that were rich could easily make such an agreement so that to them the punishment should be only exile, whereas to the poor labour was superadded to exile. In the beginning of the American war, the system of imprisoning convicts on board the hulks was first introduced; and an act was also passed, allowing the judges to transport convicts who were liable to transportation to any part of the world. A mode was then devised for restoring persons convicted of crimes to the habits of industry and virtue.

This plan was first set on foot by the celebrated Mr. Howard, Lord

[1] Extract from *Hansard's Parliamentary Debates*, 1st Series, XVI, 944–47.

[2] 4 George I, c. 11.

Auckland, and Mr. Justice Blackstone. Judge Blackstone, in his *Commentaries*, had descanted warmly on the advantages which were then expected from the penitentiary houses which it was proposed to establish. For 36 years a law for this purpose had remained a dead letter on the statute book, although it was a monument of eternal praise to those who had framed it. While the law so lay dormant, a project was unhappily proposed to the government, of sending the convicts to New South Wales to establish a colony there. It was, perhaps, the boldest and most unpromising project which was ever held out to any administration, to establish a new colony which should consist entirely of the outcasts of society, and the refuse of mankind. The persons sent there were not even left to their natural profligacy, but had a sort of education in the hulks, which rendered them infinitely more vicious than ever they had been before. In the month of February, 1787, the first embarkation was made for this new colony, consisting of 264 convicts. He was justified, from the report of a Committee of that House, in believing that the original profligacy of those men had been much increased by their long imprisonment on board the hulks. Instead of selecting for the first embarkations persons who knew any thing about country business, they chose only those who had been convicted in London and Middlesex, and who must, as inhabitants of a large city, be conceived most unfit persons for a new colony. Out of the 264, 233 who had been sentenced to imprisonment for only seven years, had laid above four years in prison, and consequently had only three years of their sentence remaining. This was a most flagrant injustice to the persons sent.

During the many years since this colony had been established, the case was very frequent of sending over persons who had been on board the hulks for above six years, and whose sentence would have expired in nine or ten months. When they were sent to Botany Bay, however, there was no chance of their returning in the time that by law they were entitled to their liberty. In fact, there was no provision made for their ever returning, and this was a most peculiar hardship and injustice to the female convicts. The only mode in which the male convicts were able, after the expiration of their sentence, to return home, was by working their passage, as they had not money to pay for it. What, then, was to become of the females to whom this resource was not left? Several of them had been transported at a very early age, and the hardship and injustice which they sustained was a subject deserving of the serious consideration of that House. As to those men who returned from transportation, they were generally far more desperate and depraved than

when they first went there. The education was in many instances derision; for when young boys were sent on board the hulks, they acquired in a short time a matured virility in vice, which they would not have learnt so soon in any other school. This was, in fact, a subject to which the attention of the House had not been seriously called, from the first establishment of the system. Those who escaped from the settlement wandered among the islands of the South Seas, where they were the apostles of mischief. Their character perhaps fitted them for chiefs among savages: they taught them navigation and useful arts, and many of the missionaries found their labours ineffectual from those persons having preceded them. The expence also of this establishment was most enormous, and infinitely superior to that of erecting penitentiary houses. As to the difficulty of making the prison in Newgate a place for the reform of criminals, the book of sir Richard Phillips (to whom he thought very great credit was due for his attention to this part of his duty as sheriff), shewed that it was not possible. After paying some high compliments to the memory of Mr. Howard, he said that he was not, however, an advocate for solitary imprisonment, unless combined with useful labour. To immure a man within the walls of a solitary cell, who was used to company and of social habits, was often a punishment worse than death, unless some suitable employment was provided for him. He concluded by moving an Address to his Majesty, praying him to direct the act of the 19th of his reign, relating to penitentiary houses, to be carried into execution.

4. Speech in the House of Commons, June 5, 1810[1]

Sir Samuel Romilly, in rising to make his promised motion [on Penitentiary Houses], touching the acts of the 10th and the 34th of the King, relative to the Penitentiary Houses, said, he should not go over the grounds at any great length, upon which he thought this measure ought to be adopted, and which he had fully stated not long ago, when he made the motion which he was now about to submit to the House. I will just state, said he, that the object of this motion is to carry into execution a plan for rendering the administration of the laws more effectual, which held out a better prospect of reforming criminals, and of attaining all the other objects of all penal laws, than any that has hitherto been found practicable. It is a plan which was formed by some of the wisest men in this country, and who had devoted much of their valuable time to this important subject—by Mr. Justice Blackstone, Mr. Howard, and Mr. Eden, now Lord Auckland.

[1] Extract from *Hansard's Parliamentary Debates*, 1st Series, XVII, 322–29.

The great objects which they proposed to themselves were, to reform the criminals, to seclude them from their former associates, to separate those of whom hopes might be entertained from those who were desperate, to teach them useful trades, to accustom them to habits of industry, to give them religious instruction, and to provide them with a recommendation to the world, and the means of obtaining an honest livelihood after the expiration of the term of their punishment. In the opinion of Mr. Justice Blackstone, it was a system which united in itself so many advantages, and held out so flattering a prospect of success, that he did not hesitate to declare that, "if properly executed, there was reason to hope that such a reformation might be effected in the lower classes of mankind, and such a gradual scale of punishment might in time supersede the necessity of capital punishments, except for very atrocious crimes."[1] That plan, however, has remained on the statute book for upwards of 30 years, without any effectual step having been taken to carry it into execution. In the mean time the want of it has been severely felt, and all have confessed that the inconvenience and inefficacy of other punishments have rendered but too sensible the impolitic and injurious tendency of the present system.

There are, indeed, but three species of punishment which by the law of this country can be afflicted for crimes above the description of misdemeanors, and which are yet not punishable with death—that of imprisonment in gaols or houses of correction; imprisonment on board the hulks; or transportation. With respect to imprisonment it has been found, that in general persons who have been confined in common gaols return to society much worse than when they were first withdrawn from it; that men who were imprisoned for their first offence, became in a short space of time hardened and desperate, and qualified to commit the most dangerous crimes; that they are matured in villainy, with a degree of rapidity which would be thought hardly possible in so short a period. To remedy this evil, expedients have been devised, but none have been executed. The prisons of this country yet remain a reproach to it. No one step has been taken to adopt a plan, by which the different classes and species of offenders might be separated from each other. Offenders of the very worst description are indiscriminately mingled with those whose first offence (and that, perhaps, a very slight one) had brought them into a situation, from which with a little care they might be reclaimed. Persons who have been committed on suspicion of an offence, whose guilt or innocence is yet a matter of uncertainty, are compelled to associate

[1] Blackstone, *Commentaries*, 11th ed., IV, p. 371.

with those whose crimes have been ascertained, and the danger and contagion of whose society and manners and example cannot be doubtful. Such is the general state of the prisons of this country, with a very few exceptions highly honourable to the counties in which they are to be found. The most remarkable of these are the prisons of Gloucestershire, under the care of sir George Paul, and the house of correction at Southwell, in Nottinghamshire. Amongst the prisons pre-eminent for the badness of their police and their regulations, I am sorry to be obliged to mention those of the metropolis. The prison of Newgate particularly seems to combine every defect of which a place of confinement is capable; and at the same time that we have erected a national monument to Mr. Howard, as a reward for his exertions to reform our prisons, the city of London leaves, close to the statute we have raised, this gaol, as a monument of disgrace and our inhumanity, and in which not one of the regulations which Howard recommended has been observed.

Imprisonment on board the hulks is still more pernicious, and productive of still greater evils, even than imprisonment in our common gaols. It seems not to be the duty of any responsible person to determine what description of offenders shall be sent on board these vessels. Convicts from remote parts of the country, and those who have long infested the streets of London; boys for their first offences, and long practised robbers and adepts in every species of crimes; those who are not intended to be removed to any other place of punishment, and such as are waiting only for an opportunity to transport them to Botany Bay, are all confounded together, and, in the intervals of their severe labours, encourage and instruct each other in crimes, and in the most odious vices. Mr. Howard has stated as the result of much observation and inquiry, that of the persons confined on board the hulks, those who came from the country generally died, in consequence of their confinement, and of the horror they felt at the examples and the scenes exhibited to them; and that those who came from great manufacturing towns generally became in a short time the most daring and dangerous of offenders. When this subject was last before the House the secretary of state told us, that lately a great reform had been effected on board the hulks, and that they were no longer liable to the objections formerly made to them; and this happy change he ascribed to the gentlemen under whose superintendence they are placed. I am sorry to say, that that representation does not agree with the accounts which I have received. I have no doubt that the reports which have been made to that gentleman by the persons he employs are perfectly comformable to the statements which he has made to the secretary of

state; but has that gentleman, though I understand that he inspects the hulks himself, been at Portsmouth more than once within the last year? and if he has, is it or is it not true, that although the most vicious and depraved habits and examples prevail there, there are at this moment no less than 14 or 15 boys to be found amongst the prisoners? The truth is, that no attention will ever be able to correct the defects of this species of punishment. The mischief, as is truly stated by the Committee of which you were the chairman, in their report of 1797, is not so much in the mode of conducting the establishment, as in the establishment itself. The vices of it are inseparable from the system.

With respect to the punishment of transportation to New South Wales, ... in whatever light we consider it, as calculated to prevent crimes, whether by the terror which the example should inspire, or by the reformation of the individual punished, we shall find it extremely inefficacious. As an example, the effect of the punishment is removed to a distance from those on whom it is to operate. It is involved in the greatest uncertainty, and is considered very differently according to the sanguine or desponding disposition of those who reflect on it, or according to the more accurate or erroneous accounts of the colony which may happen to have reached them. The severity, indeed, or lenity of the punishment, depends not on the degree of guilt of the offender, but of his talents, and acquirements and qualifications, for the new state of things into which he is transported. Possessed of that knowledge and skill which happens here to be most in request, it matters little what has been his offence, he may chance soon to find himself relieved from all restraint, and in a situation which he never could have hoped to gain in his own country. I have been informed that in the transactions which immediately led to the revolution which has lately taken place there, an attorney, who here stood in the pillory, and was afterwards transported, a man who here would have been an outcast from all society, was confidentially advised with by those in authority, and enjoyed something very like the influence of an attorney-general, because he was well acquainted with legal forms. . . . .

The punishment of transportation has indeed been sometimes considered as one of no great severity, and I have been very sorry to hear it so represented by those on whom the inflicting it depends. It is, indeed, often inflicted at the quarter sessions, for petty larcenies, not attended with any circumstances of aggravation; it is sometimes inflicted on boys at a very early age, merely as the means of separating them effectually from the bad connections they may have formed at home. It were much to be wished, that those who consider transportation in this light, would

impose upon themselves the duty of reading Mr. Collins' history of the settlement, that they might acquire a just notion of all the complicated hardships and sufferings to which transported convicts are exposed.

I have touched only on a few of the evils of this species of punishment, and it is because I enlarged so fully before on many others that I pass them over now. No person, surely, who has reflected on this subject, can doubt that it is expedient to try some other mode of punishment. That of the penitentiary houses can, indeed, hardly be called an experiment; it has already been tried, and every where with success. We are not only informed of the good effects of it in the states of North America, where it has been adopted, but we have seen them in several parts of England, and in the instances of those penitentiary houses which the secretary for Ireland lately mentioned in this House. Too much praise, indeed, cannot be given to the Irish government, for the attention they have paid to this subject, and the most sanguine could not have hoped for greater success than has attended their exertions. It is earnestly to be wished that their example may be followed by his Majesty's ministers here. He concluded by moving, "That an humble Address be presented to his Majesty, that his Majesty would be graciously pleased to give directions for carrying into execution so much of the act of the 19th of the King, entitled, 'An act to explain and amend the laws relating to the transportation, imprisonment, and other punishment of certain offenders,' as relates to penitentiary houses, and for carrying into execution the act of the 34th of the King, entitled, 'An act for erecting a penitentiary house or houses for confining and employing convicts.'"

RECENT COURT DECISIONS RELATING TO SOCIAL WELFARE

An Infant's Torts—Can a Mother Sue Her Minor Son for Negligence? *Schneider* v. *Schneider*, 152 Atlantic Reporter (Maryland) 498 (December 5, 1930)

Family uses of automobiles are occasioning the determination of many questions with reference to the law of domestic relations. An Arkansas Court has just (April, 1931) decided that a wife may collect damages by a suit against her husband for injury caused by his negligence in driving. In this case, however, the Maryland Court decided that a mother could not recover from her infant son under similar circumstances. The facts were that at the mother's suggestion, the eighteen-year-old son drove her on the afternoon of Christmas in 1928, in a car bought by the father and licensed in the name of the twenty-four-year-old brother, from the family home to the house of a friend. On the way home late at night the car collided with another car, and the mother was injured and brought this action against the two sons and the driver of the other car. In the lower court, however, there was a verdict in favor of the third defendant, but damages were awarded her against the two sons, the older as owner, and the younger as driver. The upper court, however, reversed the decision on the ground that the older brother would have been liable only if the younger were acting in his business and as his servant, which was not the case; and as to the younger son, because a mother could not at once be the guardian and protector of her infant and be a party plaintiff to an action against him. The court said among other things:

> It seems clear without citing further difficulties that, as has been stated, one person cannot at the same time occupy the position of parent and natural guardian, fulfilling the functions devolved upon that position, and the position of plaintiff demanding damages from the child at law. We need not dwell upon the importance of maintaining the family relation free for other reasons from the antagonisms which such suits imply. "Both natural and politic law, morality, and the precepts of revealed religion alike demand the preservation of this relation to its full strength and purity" (Schouler, *Domestic Relations*, sec. 223).

If the reader is puzzled that such an action should ever be attempted, it might be pointed out that there is a suggestion of insurance, which may have been in the mind of the mother. This was, however, of no avail.

Venue of Actions Brought by an Unmarried Mother in Kansas: *Ex parte Bolman*, 292 Pacific (Kansas) 790 (November 8, 1930)

The interesting question in this case is that of venue in bastardy proceedings in Kansas. The statute provides that prosecution for the support of illegitimate children may be brought "before any justice of the peace." The relatrix in this case went from the county (Cloud County) in which she had lived, and in which the complainant still lived, to another (Mitchell County), and on the following day filed a petition under the bastardy act. By virtue of these proceedings the claimant was arrested to be put on trial in Cloud County, and seeks a writ of habeas corpus to test the jurisdiction of the court in Mitchell. There are other points, but the interesting feature of the case is the discussion of the nature of the bastardy proceeding, which is said to be neither criminal nor entirely civil, but partaking more of a civil than of a criminal nature. The jurisdiction of any justice is held adequate, and the relatrix in the bastardy proceeding may choose the venue. The court says:

With respect to illegitimate children, it is not unusual for the father, even though he admits his paternity, which frequently he does not do, to fail or refuse to aid in the support or education of such a child. At common law he could not be required to do so. For that reason statutes have been enacted in many, if not all, of the states, by which the paternal relation of the father to the illegitimate child may be established, if it is questioned, and he may be required to contribute to the child's support. The early statutes on this question were designed, primarily, to prevent the child from becoming a public charge. The early statute in this state (chapter 82, Laws 1859) required that the complainant be a resident of the territory, and that, if a settlement were made and bond given for support, it must be approved by the township officers; that the proper township officers might institute the proceedings if the mother did not. These things were omitted and other important changes made in the statute of 1868. A broader view of the matter was taken.

The state is interested in seeing, not only that a child has food and clothes and a place to live, but that it has education and is reared under such circumstances as to make it become a useful citizen of the community. Hence the child and the state, both innocent of any wrongdoing, are interested in seeing that the child receives, not alone the necessities of life, but its advantages. The fundamental purpose of the statute was to bring that about, in so far as it could be done. This is attempted by a statute enacted under the broad police powers of the state, and the statute is framed and designed, and its procedure specifically provided, to accomplish its purpose under varying conditions which may arise. . . . . Possibly the statute might be open to abuses of that character, but the instances in which reputable counsel would indulge in that practice, or permit it to be done, are so rare that it would seem the possibility of such abuse

need not be taken into account. If it were found to be abused in that respect, no doubt the Legislature would correct it.

Venue in Actions Brought by Unmarried Mother in Oklahoma: *Cash* v. *State*, 293 Pacific Reporter (Oklahoma) 247 (December 18, 1930)

Contrary to the law laid down in *Ex parte Bolman*, just cited, in Oklahoma, only the court of the county in which the mother resides can take jurisdiction of a bastardy action brought on her complaint. This, however, is only a dictum, for in this case the mother resided in the county in which the case was heard. What happened is that she filed a complaint alleging defendant to be the father of her child, swore positively to that effect, and he did not deny it. However, the jury brought a verdict of not guilty. Whereupon the judge, who had seen and examined both parties, granted a new trial, and the defendant appealed. The upper court held, however, that where the new trial was granted because of the insufficiency of evidence to support the verdict, the upper court will not interfere. There is a strong dissenting opinion, which amounts to a hymn of praise to the place of the jury in the common-law scheme. It is a lyric, a panegyric, which would repay reading.

Parental Right to Custody of Infant Child—Necessity of Notice before Parent Is Declared Unfit: *In re State, in Interest of Bennett*, 293 Pacific Reporter (Utah) 963 (December 12, 1930)

This is a very interesting statement regarding the rights of parents in Utah to receive notice and to be declared unfit before their children are taken away from them and committed to correctional institutions. The facts were that a fourteen-year-old boy was charged with taking some securities from the post-office and stealing an automobile. His mother accepted notice of the time and place of the hearing; and after hearing a number of witnesses, the court ruled that both father and mother were unfit custodians and that the boy was a young delinquent and committed him to the State Correctional School.

On appeal, however, the upper court held that, since 1919, it is necessary before depriving a parent of the custody of his child, not only that the child be found delinquent, but that the parent be found unfit also. The case was therefore remanded for further proceedings.

Paternal Right of Custody Conditioned on Performance of Parental Duty: *Ryke* v. *Ream*, 234 North Western Reporter (Iowa) 196 (January 13, 1931)

This is an action brought by the guardian of Melvin Eugene Hammons, alleged to be the son of Dawson Hammons, deceased, for the partition

of property owned by one W. C. Hallowell, deceased without widow or issue. The defendants are Hallowell's nieces, and it is alleged that they and Melvin Eugene are the only heirs. The defendants deny that Melvin Eugene is the child of Dawson Hammons and rely on a divorce decree obtained by Dawson Hammons based upon allegations in the petition to the effect that when the marriage occurred the wife was pregnant by a father whom Hammons learned afterward to have been another man, and that after the marriage she had committed adultery a number of times. The facts seem to have been that the wife was pregnant; that the husband accepted responsibility and treated the child always as his own; that after a time there was discord and she left him, taking the child with his consent; that he led her to think that he was going to obtain a decree on grounds of desertion, which she did not defend; that she learned of his actual allegations only considerably later or she would have defended. The child was no party to the suit; his status was not involved; and when the divorce was granted, he was the legitimate child of Dawson Hammons, entitled to a child's right to support and to a prospective right to inherit through his father after his father's death. The court refers to "the iniquity" of the defendants' contention which was illustrated by the undisputed evidence that the decree which they set up as conclusive on the boy had been obtained by a trick, if not in the eyes of the law a fraud, perpetrated on the mother. On the record summarized here the boy is the legitimate son of Dawson Hammons and inherits through him.

Paternal Right in Child Given in Custody to Divorced Mother: *Jensen* v. *Sorensen et Ux,* 233 North Western Reporter (Iowa) 717 (December 9, 1930)

Among the legal questions interesting to social workers is that of the relation of the father of a child whose parents have been divorced to the child given to the custody of the mother.

In this case, Mrs. Jensen obtained a divorce from Mr. Jensen, to whom she was married in November, 1925, on February 24, 1927, on the ground of cruel and inhuman treatment, and was given the custody of her infant boy, reserving to the father the right of visitation. The family lived at that time in Wisconsin. The father did not avail himself of this privilege; the mother died on August fifth of that year, and the mother's sister, Mrs. Sorenson, probably at the mother's request, took the child to her home in Iowa, where the mother was buried. Shortly after the funeral and on the advice of the lawyer who was administering the estate, she obtained guardianship papers in Iowa which were approved by the Wisconsin courts. The father did not visit the child but wrote to Mrs. Sorenson approving her appointment as guardianship.

In February, 1928, Mr. and Mrs. Sorenson adopted the child, a fact of which the father learned only a month later. Three months later he demanded the custody of the child. He claimed that his right to custody lost by the divorce was revived by the mother's death, that the domicil of the child had never changed, and so the Iowa court had never acquired jurisdiction. He did not feel bound by the adoption proceedings of which he had not been notified, and he prayed that the letters of guardianship and the decree of adoption be annulled. The lower court awarded the child to him, the adopting parents appealed, and the upper court reversed the judgment. The grounds for reversal were first, that the lower court had excluded testimony regarding the dying mother's statement that she wished her sister to have the child, which, while not controlling on the court, was important; second, that the merits of the case relate to the conduct of the father at the time of the mother's death. The court assumes that the death of a divorced mother given custody of her child would revive the father's parental right, so that the father's right was revived, but the exercise of that right was conditioned by his fitness. The right to custody imposes the obligations accompanying that right. If a parent has a right to such custody, he has a duty to assert it and to assume its obligations. In the case of an infant, such a duty is both imperative and immediate. He knew of the mother's illness and of the situation in which the baby was. His conduct justified the inference that he had no intention of asserting his right or assuming his obligations. He contributed nothing to the child's support, but two years later he claimed the child for whose care he had arranged with his uncle who was admitted to be financially better off than the adopting parents and to live where school facilities were more accessible. There was no question as to the fitness in either case, and the child's welfare must determine. The child by the time of the decision had been for three years with the adopting parents and a child "should not be tossed like a ball from base to base." In this case the court held that the father's fitness to care for his infant child was not comparable with that of the adopting parents, with whom the child should remain. To decide this was to decide at the same time that the child's domicil had been transferred. The argument on which this decision rested can perhaps be omitted here.

Father's Right To Sue for Damages to Infant Child—Measure of Care—Contributory Negligence: *Spomer* v. *Allied Electric & Fixture Co.*, 232 North Western Reporter (Nebraska) 767 (November 7, 1930)

This is an action to recover damages brought by a father against a company whose servant, the driver of a truck, he alleged to be responsible

for the death of his fifteen-year-old son. The boy was riding west on a bicycle in the city of Lincoln and at an intersection of streets was run down by a truck going south and so injured that he died the next day. The father, as administrator, brought action claiming $20,000 and charging negligence in that the driver was going at a high and unlawful speed, failed to signal his approach, failed to keep within the proper portion of the street, failed to keep a proper lookout, failed to keep his truck under reasonable control, and drove recklessly so as to endanger life. There was evidence of contributory negligence on the part of the boy in that there was a city ordinance forbidding the riding of bicycles in the streets, and of his failing to give the truck the right of way and to keep a proper lookout. The jury gave a verdict of $5,450, and the defendant company appealed. The upper court reversed the judgment and remanded the case for further proceedings.

The points were: first, that the law did not require the driver to have his vehicle under complete control, but only under "reasonable control," which is defined as such control as will "enable him to avoid collision with other vehicles, assuming that drivers thereof will exercise due care"; second, that at common law a child was under no obligation to support his father after he, the child, reached twenty-one years of age. Up to that time the father was, of course, entitled to his earnings. After twenty-one, there is liability on the part of the child only if the parent is destitute. An instruction of the lower court expressing another view of this liability was therefore an error. Third, the lower court had failed to instruct the jury to take into consideration the allegations of contributory negligence on the part of the boy, and, if they found such negligence on the part of the boy, to allow that fact to affect the amount of damages assessed. On this point the court cites with approval the following rule:

"The measure of damage in an action by the personal representative of a child, for the benefit of its parents, to recover for wrongfully causing the death of such child, is the present worth in money of the contributions having a general monetary value of which the parents are shown by the evidence with reasonable certainty to have been deprived by the act causing the death, and those contributions that are only probable, or conjectural, may not be included in the amount of such damage" (*Fisher* v. *Trester*, 119 Neb. _____, 229 N.W. 901).

Evidence of Non-Access in Case of Married Couple: *State* v. *Soyka*, 233 North Western Reporter (Minnesota) 300 (November 28, 1930)

Among the interesting revolutions that are taking place in our law is the reversal either by statutory provision or by judicial decision of earlier views on the law of family relationships. In this case two of the most positive rules of the common law are discarded. The first was one which

refused, if the father were "within the four Seas," to listen to any evidence of non-access to the wife so that a child born or conceived while the marriage relation existed would be rendered illegitimate. In this case the father and mother separated. He began a divorce action in April, 1928, and received the decree on October 14, 1929. The child was born later in the year, and the mother brought a filiation suit against the defendant. When first told of her condition, he contributed $100 "for her expenses and hospital bill"; but when sued, he defended by appealing to the presumption of legitimacy which prevailed under the common law. The court, however, held that under the Minnesota law this presumption could be, and in this case was, refuted.

Another error alleged by the defendant was the admission of the testimony both of the husband and wife on the subject of the non-access of the husband during the marriage. The ruling that such testimony was not admissible has been characterized by Dean Wigmore as a "dogmatic rule which was mere pharisaical afterthought invented to explain an otherwise incomprehensible rule having no support in the established facts and policies of our law." Here again the court ruled after the modern attitude toward the relation of husband and wife and affirmed the order which rested in part on such testimony.

Statute of Limitations—Application to Promises by Brothers and Sisters To Contribute to Support of Alien Father: *Czelusniak* v. *Ossolinski*, 173 North Eastern Reporter (Massachusetts) 590 (November 5, 1930)

In this case, Joseph Czelusniak, who has supported his aged father-in-law, Pawel Ossolinski, since 1914, when he was allowed to enter the United States under bonds given by his children—three sons, Leopold, Tadeusz, and Matthew, and two daughters, Aniela Zobecki and Bertha, wife of Joseph Czelusniak—and the plaintiff, that he should never become a public charge and that they would each contribute equally to the cost of his support, sues them for their pledged contribution. When the father arrived, he was taken to the plaintiff's house, where he has lived ever since without his sons and daughters contributing anything. Social workers would find interesting the contents of the bond given in 1914. When the plaintiff in September, 1928, asked them to reimburse him to the extent of their pledged contribution, they refused to pay for anything expended more than six years before the demand was made, because the statute of limitations applied and the claim for the earlier contributions was outlawed by the plaintiff's failing to make his demand at an earlier date. The lower court in fact took this position. The upper court, however, ruled that while the plaintiff might have sued at an earlier date, under the terms

of the agreement, there was nothing requiring him to make the demand at any fixed time. He could treat the contract as *entire*; and, in such cases, the statute of limitations begins to run only when there is performance by the plaintiff or the contract is otherwise terminated. The plaintiff was therefore entitled to a contribution of one-fifth from each, with interest to the date of the decree. The social worker cannot help wondering how the aged father felt in the midst of these miserable family bickerings.

Poor Law—Duty of Relatives To Contribute to Support in State Institutions: *State* v. *Troxler*, 173 North Eastern Reporter (Indiana) 321 (October 18,) 1930

This is a case in which the relatives of a feeble-minded boy and of an insane adult attempt to escape liability to contribute to the support of the two patients in state institutions. They argued that the statute allowing the authorities to recover contributions amounting to $4.00 a week for an individual was unconstitutional, because not uniform, because the constitution itself ordered that an institution for the feeble minded be established, and that a statute saying that in certain procedures connected with commitment neither the patient nor his family should bear the costs. The court held that the constitutional argument was inapplicable and that the costs contemplated by the statute were those of litigation not those of maintenance.

Charities—Liability of Institution for Damage to Private Nurse: *Duvelius* v. *Sisters of Charity of Cincinnati*, 174 North Eastern Reporter (Ohio) 256 (January 30, 1930)

This was a case in which a private nurse employed by a patient in the hospital was injured by the negligence of the substitute elevator man who was on duty at times when nurses went to and from their meals, who had been reported as excitable, decrepit and unfit, besides seeming to have an antipathy to the nurses. It was shown that the authorities of the institution had been notified and had failed to provide other service. There is a long discussion of this case in 173 N.E. 737, where the decision favor of the hospital was reversed and remanded. The upper court held that the questions of the hospital's negligence, the elevator man's carelessness and venom, and the degree to which his carelessness were responsible for the nurse's injury were all questions for the jury and that therefore there must be a new trial.

Charities—Liability of Hospital for Violation of Law: *Howard* v. *Children's Hospital of the Protestant Episcopal Church*, 174 North Eastern Reporter (Ohio) 166 (March 10, 1930)

Attention has been called in these pages to the differences of view in different states with reference to the liability for tort of charitable hospi-

tals when their servants have been negligent, and fellow-servants or patients—especially beneficiaries of the charitable funds—have been injured. There is, however, no doubt about the liability of the hospital whatever the source of its support, if it violates a statute prescribing conditions under which the bodies of deceased persons may be retained. In this case an illegal act had been done in connection with the body of deceased infant. An action in damages was definitely recognized in the administrator for the benefit of the next of kin.

Crimes against Children—Alleged Variance between Indictment and Judge's Instructions: *People* v. *Czajkowski*, 173 North Eastern Reporter (Illinois) 817 (December 18, 1930)

This is a case in which a man found guilty of taking indecent liberties with a seven-year-old little girl attempted to escape the consequences by virtue of a procedure to which he and his attorney had given full consent, or by calling attention to discrepancies between the terms used in the indictment and those used in the judge's charge to the jury. One day while the trial was in progress a juror was ill and a physician was summoned as a witness. To prevent the necessity of recalling the physician at a later date, the parties agreed to an examination of the physician in the presence of the judge, the defendant, and counsel, as well as the prosecutor, and a reading of the transcript of the examination to the jury the following day. The defendant claimed later that this was a denial of his constitutional right to confront his witness. He also claimed that there was variance between a charge by the judge concerning "any lewd or lascivious act" and the allegation in the indictment that he had taken "certain immoral, improper, and indecent liberties" with the child.

The upper court held, however, that the examination described constituted "confronting," and that any lewd or lascivious act on the person of a child would be immoral, improper, and indecent, and there was therefore no variance.

Adoption—Child Labor—Interstate Comity in Recognition of Adoption Statutes—Liability of Employer to Dependent Adopting Mother: *Victory Sparkler and Specialty Co.* v. *Gilbert*, 153 Atlantic Reporter (Maryland) 275 (January 14, 1931)

There are two questions here: First, "Would the Maryland court recognize the validity of the Delaware adoption statute as establishing between two persons the relation of parent and child?" And second, "Was an adopting mother included in the workmen's compensation statute list of persons to whom compensation would become due in case of an accident to the adopted son?" To both questions the Maryland court answered

in the affirmative. Both statutes are in derogation of the common law, and should under ordinary rules of interpretation be strictly construed. In both cases, however, the state has entered upon a definite social policy, in the one case making it possible by legal act to expand the family, in the other substituting a different principle that on industry should be laid the costs of industrial hazards, from that of the common law, that damages could be claimed only in case negligence could be proved. The decision was especially appealing since the mother was widowed. She and her deceased husband had adopted the child and borne the burden of his support during all his years of helplessness.

To social workers unfamiliar with the law it might be of interest to say that such an action as this, so brutally selfish on the part of the employer, in whose service the young lad had lost his life, is brought because employers think, first, of the saving of interest to their stockholders and, second, of saving cost to their customers. The part that is played by business, so often cruel and apparently inhuman, can usually be rationalized after some such explanation. No humane person would, of course, do anything like this voluntarily or for his own advantage.

Adoptions—An Act under the Statute Irrevocable in the Absence of Fraud or Duress: *Backus* v. *Reynolds,* 152 Atlantic Reporter (Maryland) 109 (October 19, 1930)

Mrs. Clemens, while separated from her husband, whom she later divorced, found herself unable properly to care for her little four-year-old daughter, whom she had been boarding with Mrs. Reynolds. She then consented to Mr. and Mrs. Reynolds' adopting the child, and this was done on July 26, 1929. In November of that year she remarried, and she and her husband in December of that year instituted proceedings to have the adoption decree annulled, alleging mistake, fraud, duress, and misrepresentation. It was too late, however; none of these charges was substantiated, and, in a statement of some length, the court showed itself powerless to do anything but affirm the decree. If the mother but six months before had been able to find help in keeping her child, or if there had been someone able to help in this situation while the divorce proceeding was being determined, or if any of these courts dealing with such vital family problems had been a true family court, the mother might have retained or regained her child.

NOTES AND COMMENT

IN A May Day message given over the National Broadcasting network, Grace Abbott, chief of the Children's Bureau, said:

By Act of Congress and proclamation of the President, the people of the United States have been asked to take stock on the first day of May, of what has been done for children during the past year and what should be done before next May Day.

In spite of special hardships which last year brought, there have been some real gains for children. The White House Conference on Child Health and Protection resulted in a general searching of minds and hearts as to what can be done to give to American children larger opportunities to achieve a healthful, happy, useful adult life. Only the very general findings as summarized by Committee Chairmen and embodied since the Conference in the Children's Charter are as yet available. This Charter which President Hoover in his proclamation has especially recommended to our consideration, lays down a program for children which we shall not carry out without much careful planning and great devotion to the ideals which it formulates. It enumerates 19 rights for every child "regardless of race, color or situation, wherever he may live under the protection of the American flag." Number 15 in this Charter reads as follows:

"For every child the right to grow up in a family with an adequate standard of living and the security of a stable income as the surest safeguard against social handicaps."

Here is the challenge of the twentieth century. Justice for children makes it the greatest problem of our industrial civilization. But the most optimistic will not say it will be easy of accomplishment. Other objectives can be realized with little difficulty. Number 19, for example, recommends "trained, full time public health officials" and "full time public welfare service for the relief, aid, and guidance of children in special need due to poverty, misfortune or behavior difficulties."

In the provision of the public services here recommended we can proceed on the basis of experience in this and other countries and with overwhelming evidence of need. In many communities the public social services for children reflect in organization and program the general incompetence and inadequacy which characterized prevention and relief of the suffering of children a century ago.

Because of the afflictions which drought and industrial depression have brought us, it would be easy to make this May Day one of lamentation instead of joy and confidence in the future. But it is exactly that pessimism which May Day and the miracle of Spring which it symbolizes, should vanquish. It

should be a day of joy for children and a day of resolution for adults that the welfare of children shall be a first claim upon the intelligence, the skill in organization, and the pioneering tradition of the American people. This year of hardship should renew our determination that greater progress must be made in the future in securing for children the fundamental rights of childhood.

THE AMERICAN ASSOCIATION OF PUBLIC WELFARE OFFICIALS

THE possibility of using state departments of public welfare as the agencies through which federal relief funds might be distributed was discussed in the March number of this *Review*. An increasing number of states are providing a state-wide service for consultation and supervision for social welfare work. The Subcommittee of the White House Conference on Interstate Problems pointed out the need of such agencies in the following statement:

> It becomes increasingly clear that the application of modern principles of adequate treatment in the field of child welfare will probably become possible only when there have occurred two developments clearly indicated by the material presented in the following pages.
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> 1. The creation in every commonwealth of a state authority able to deal with the local jurisdictions where there appears a conflict of interest, to adjust their difficulties and to supplement their services, and
>
> 2. The development of a federal (national) agency to assist the states, to serve as arbiter between them when there seems a conflict of interests, and, above all, to supplement their services, and to develop among the state authorities a wider agreement as to the principles on which decisions should be based.

For that reason among others, the successful organization of the American Association of Public Welfare officials which was formed in Boston at the time of the National Conference is a very important development in the field of social work. It takes the mind of the Conference back to the days when its deliberations were largely guided by the early public-welfare leaders—then called Directors of Charities and Corrections—the days of Wines and Sanborn and Mrs. Lowell and Brinkerhoff and Letchworth. The new association intends to act as a central clearing house of information relating to the special problems of the public agency in the public-welfare field. It is the purpose of the organization to enlist the cooperation of all agencies engaged in public-welfare work, whether they be federal, state, county, or municipal. In this respect it is broader than the associations of state and provincial health officers or of state and provincial labor officials which have been organized for many years. The great expansion in the amount and variety of social work entrusted to

public agencies during the past two decades makes it particularly important that these officials should join in an effort to determine how all problems adversely affecting the standard of our public social services can be solved.

The new association does not propose to duplicate activities of any other organization but plans to develop its program in co-operation with agencies already engaged in the various fields of public-welfare work, promoting the fullest utilization of the services they are equipped to give. The purposes of the association are:

(1) To promote fuller knowledge and better understanding among public-welfare officials and the public in general about public-welfare work in the various governmental units;

(2) To develop high standards of public-welfare legislation and administrative practice; and

(3) To standardize and define those positions in public-welfare work which require professional training, and to assist in the establishment of procedures that will assure the appointment of qualified personnel and provide for their further training and professional development in the fields of service in which they are engaged.

Active membership in the association is open to all persons who are employed in any form of public-welfare administration by any unit of government or who, because of their official positions, have authority over such public-welfare work.

Mr. L. A. Halbert, Director of State Institutions, Rhode Island, is the president of the association. Among the members of the executive committee are Richard K. Conant, Commissioner of Department of Public Welfare, State of Massachusetts; George S. Wilson, Director Board of Public Welfare, Washington, D.C.; Charles H. Johnson, Commissioner of Department of Social Welfare, State of New York; and Mrs. A. M. Tunstall, Director, State Child Welfare Department, State of Alabama. The Association has held two meetings and has created three major committees, which will submit preliminary reports for discussion at the first annual meeting to be held in Minneapolis in June.

The committee on developing and protecting professional standards in public-welfare work has a twofold purpose: To determine the best methods of securing the appointment and retention of persons with high qualifications and professional standing in social work; and to promote plans for the training of persons already employed in public-welfare work.

The committee on reports and statistics will study the most approved methods of gathering and compiling uniform and comparable social sta-

tistics considered essential in carrying out a comprehensive public-welfare program. It will also consider how a system for gathering social statistics on a national scale through the co-operation of federal, state, and local governments may be developed.

The committee on uniform settlement laws and interstate problems will promote the development of uniform procedure throughout the country.

Joint meetings of the association and of Division IX, Public Officials and Administration, of the National Conference of Social Work, will be held in Minneapolis. Afternoon round-table discussions will consider problems of state, county, and rural administration; public-welfare work in large cities; and committee reports.

Further information with regard to the American Association of Public Welfare Officials may be obtained from the Secretary, Marietta Stevenson, United States Children's Bureau, Washington, D.C.

HOMER FOLKS ON PUBLIC RELIEF

EDITORIAL comment in the March *Review* to the effect that private relief should not be expected to carry the load during the present depression is strengthened by the statement of Mr. Homer Folks, who recently told the Connecticut Conference of Social Work that "adequate public relief for the needy in their own homes is the cornerstone and foundation upon which all other public welfare activities in any State should be planned and carried out."

Outlining an adequate program for a state and local public welfare administration, he said that the needs of individuals and the ramifications of welfare work alike had their common origin in the family. He described the experience of New York in replacing its obsolete poor law with a modern Public Welfare act and said:

> The field of public welfare must impress the average citizen, as it still does most of us social workers, as a complicated maze. It deals with many different things: The care of the sick, the relief of the poor, the care of homeless children, of the mentally deficient, of the insane, and with many other related matters. It includes State functions, municipal, county, town and village functions. It comprises many voluntary agencies, organized into various groups. It includes also large sections of the laws of the State, in which are embodied the plans and ideas of earlier generations on these subjects. The best we can do is to take hold of some one subject, and if we can understand it and follow it in its various aspects and relations, we may come to have some ideas on the general subject of public welfare.

The starting point, he added, was adequate public relief for the needy in their own homes in every part of a state.

"This is no new thing in theory," he said very emphatically. "New York State and many of the States of the Union, no doubt including Connecticut, took over in their early days the Poor Law of England, the very essence and substance of which was relief to every needy individual in his own home, when practicable, elsewhere when necessary." He then dealt with the limitations of the poor law and with what he called "humanized home relief." He pointed out that although we had long had the law and the ideal, "we have never approached our ideal in practice. The Poor Law has become rather a synonym for parsimony, hard-heartedness, inefficiency, neglect, and the giving of the barest necessities of life, under circumstances of humiliation and stigma."

Mr. Folks then pointed out that a satisfactory welfare system could not be found in any state unless it was possible to build it upon "a rejuvenation, reform and rehabilitation of public welfare in the home—the earliest form of public welfare, the most neglected, and in many cases the least successful." He called attention to the fact that, under the stress of aroused public interest, some extremely promising steps in redeeming the subject of public home relief had already been taken.

> We have singled out the widowed mother and her children as a special subject for adequate and kindly public relief at home, and because of the exceptional and universal appeal of the widow and her children, we have been reasonably successful—almost astonishingly successful—in setting up a new plan of public relief for this special group under a new name and under a new authority, although fundamentally it is doing nothing which the original Poor Law did not fully authorize and even may be said to have reasonably contemplated.

The improvement in the American public social services was vividly and hopefully set out by Mr. Folks. He pointed to several states, including New York, in which "a new plan of home relief for the aged—again with new terms, Old Age Security, and in some places with new machinery" had been developed—but, after all, he said, the new laws were "doing exactly what might well have been done under the general Poor Law."

> What is now before us [he said] and what we cannot avoid, is to rehabilitate all the remainder of the general field of public home welfare in the same way. We must breathe the breath of new life into the aged and ailing system of public home relief. If the old bottles will not hold the new wine, we must get new bottles. Undoubtedly we need a new Poor Law, and probably will call it a

Public Welfare Law. We must have larger units of public administration of home relief—a unit large enough to require the full-time services of a competent and trained person—a unit large enough to carry the tax burden of good administration. Not that it will cost more, because few things can be more wasteful and extravagant than incompetent public relief. We must arrive at new methods of selecting public relief officials, give them an adequate compensation, and a reasonable tenure of office.

The new system of "humanized public home relief" Mr. Folks saw moving forward

on the sound basis of an enlightened and aroused public interest, on a close cooperation between the public officials and voluntary agencies and private citizens. We must provide a form of State supervision [he said] but we cannot depend upon it alone or chiefly. We can only rest it safely on a foundation of local understanding and interest. Judging from our experience, it may well take the social workers, voluntary and professional, of Connecticut, a number of years, five years, ten years, or more, to bring about this apparently simple result, a modern and humane administration of public relief in the home. But also, judging from the experience in New York and other localities, nothing is surer than that it can be done.

CAPITAL PUNISHMENT

IT IS encouraging as we publish some extracts from Romilly's speeches, to announce that Michigan has rejected capital punishment for the second time in two years. The May issue of *State Government* reminds us that

in 1929 the Governor vetoed such a measure after it had been passed by both houses of the Legislature. The voters on April 6 defeated another proposal for electrocution in cases of first degree murder. Immediately after this referendum, a bill was introduced to provide a whipping post for the punishment of criminals.

The same magazine announces that

Governor Reed of Kansas vetoed a bill providing for capital punishment, which was passed this session, and the Legislature failed to pass it over his veto.

The eight states which do not have capital punishment at the present time are: Kansas, Maine, Michigan, Minnesota, North Dakota, Rhode Island, South Dakota, and Wisconsin.

TIMES THAT TRY MEN'S SOULS

THE following extract from a letter from Colorado to a social worker in "the East" has more than a local or personal interest:

The catastrophe which everyone has talked about and feared ever since we came has actually happened. The mine is to be closed the first of May, and the

entire canyon abandoned. We all heard the news a week ago Wednesday, April eighth. The big boss was down from ——— the night before and told [the superintendent]. Of course, it seemed more than anyone could bear; that everyone from one end of the canyon to the other was out of a job. The first week was a nightmare. Think of it, four hundred families with no means of support, and there are dozens of families without a penny ahead, dozens of families that haven't seen money for two years, because it's always been gone for credit at the store before pay-day, and the miners get only what's left over after the rent, light, water, doctor, garage, and grocery charges are taken out. And their families are so large. Four children are few. The company closed the mine at ——— a month ago, and the mine at———, which is larger than ours, is also to be closed May first, and 1,500 men are being let out of the company's steel plant at ———. You wonder what's going to happen? Well, so do I. School is to go on to the close, May 15th. Then the store is to close, the "Y" is to close, and nobody knows if there will still be lights or water, because the water is pumped by the company. People without money to get out of the canyon!

[The superintendent] has to stay until everything is sold that can be sold. He says lots of men will go off looking for work, leave their families and never come back. It just about killed him to tell everyone.

Nothing is as it was. People are so different. Everyone looks so wretched, sad and disheartened. It's almost more than I can stand. My fruit and vegetable man from ——— doesn't come any more. People can't pay him.

What appalls one is the waste. Three mines here; coal that could be mined for a hundred years, and no one wants it. The company is going to take out the pumps and the hoisting engine and that's all. The mines will fill with water. Everything is to be abandoned by the company so that there will be no taxes to pay. Do you want several hundred houses, or some nice big store buildings or a couple of "Y's"? All you have to do is come and get them. The woman, who runs the hotel, paid $3,200 for it a year ago. Now it isn't worth a dime. . . . .

Even the doctor is out of a job, May first, with two children in college and two in high school.

Well, I wonder what we'll see and live through before we get out of here. Some one up the street moved out last Sunday, and I was so glad to see that one family could get out so soon and have some place to go.

REPORTING OF SOCIAL STATISTICS

THE New York State Department of Social Welfare has created a bureau of research in which all the statistical work of the department is centralized. Monthly reporting systems have been established for county, city, and town homes (formerly almshouses), and also for the public agencies administering home relief. On April 15, monthly reporting systems were inaugurated for child-caring institutions and also placing-out agencies. Plans are being perfected for a monthly reporting system for

the private homes for the aged. Monthly statistical data are also being compiled in connection with the old-age security operations, and the social histories of a large group of applicants are being tabulated and analyzed.

The Department reported an increase during February as compared with January in the volume of outdoor relief administered by public agencies in the state of New York. The number of families aided by counties showed an increase of 8.9 per cent over the number in January, 1931; the number aided by cities increased 11.3 per cent, and the number aided by towns increased 3.8 per cent. With regard to the amounts expended for family relief, there was an increase over the expenditures in January of 17.7 per cent in the counties and 3.9 per cent in the cities. In the towns, on the other hand, the amount spent for family relief was 15.2 per cent less than in January. The complete data collected by the Department from 28 counties, 39 cities, and 51 towns show that during February, 1931, public agencies spent $746,500 while administering home relief to 26,846 families. In February, 1930, the same agencies spent $307,213 for the relief of 11,449 families.

UNEMPLOYMENT IN GERMANY

UNEMPLOYMENT reached unprecedented proportions in Germany during the past winter. The number of recipients of standard benefits rose to 2,589,000 on the last working day of February, 1931, and of recipients of emergency unemployment allowances, to 907,000. This meant that 20 per cent of the seventeen million persons insured against unemployment were in receipt of insurance or relief. The prolonged and severe drain upon the unemployment compensation funds caused the German government, in February, to appoint a special advisory commission on unemployment. The first section of the report of that commission was issued on April 24 and consisted of two recommendations.

The first and more important of the recommendations was that overtime be abolished and that hours for all kinds of labor be reduced to 40 a week. This reduction, it was believed, should be accomplished through empowering the government to regulate hours in all branches of industry and commerce. Burden of proof of technical or economic necessity for operating more than 40 hours a week was to be placed upon the employer. Only firms normally employing less than ten persons were to be exempt. The trade agreement rates which, in Germany, are to a large degree enforced by the government, were to be set at 40 hours a week upon their reconsideration at expiration of the existing agreements. All federal em-

ployment, including that upon the railways and postal service, and that of states and local governments was to be on the 40-hour-a-week basis and without overtime. The Commission considered the effect of shorter hours upon wages and decided that in the present crisis it was impossible to raise the hourly rate in order to maintain the existing weekly wage. Where overtime could not be abolished it was to be paid for at the rate of at least time and a quarter, the additional sum to be paid not to the worker but to the Institute for the Employment Exchanges and Unemployment Insurance.

The second recommendation, which was considered far less significant, concerned reduction of unemployment through elimination of the so-called *Doppelverdiener*. This term, which has been frequently used in recent discussions of unemployment and with many connotations, the commission sought to define. The meaning of the term includes, on the one hand, persons who receive income from more than one source, whether from two occupations, a job and an independent business, or a job and a pension. On the other hand, it means a situation in which more than one member of a family, man and wife, or parent and child, are wage-earners. The report sought to determine the number of these *Doppelverdiener* on the basis of the occupational census of 1925. The commission decided that it was impracticable to try to regulate such work in private employment, but that the second wage-earner in a family, if a woman, be induced to retire voluntarily from public service by grant of a dismissal compensation proportionate to the length of service.

Meanwhile the children's agencies are demanding abolition of juvenile labor and especially of after-school work. They are asking for a ninth year in the public schools and more adequate inspection to prevent illegal child labor.

INSURANCE, DOLE, OR PUBLIC ASSISTANCE

SIR WILLIAM BEVERIDGE in giving testimony before the Royal Commission on Unemployment is reported to have referred to the present unemployment provision in England as "the dole miscalled insurance." According to the report in the London *Times Weekly* (April 9, 1931), Sir William Beveridge said that

> the present system of unemployment insurance bore no resemblance at all either to the old practice of trade unions or to the scheme of 1911, that was meant as an extension of it. Every important idea in either had gone by the board. The benefit had been made unlimited in time and practically divorced from the payment of contributions. In the past, like other defenders of unem-

ployment insurance, he had often had occasion to speak of "insurance popularly miscalled the dole." Today he was afraid that it might be truer to speak of "the dole officially miscalled insurance."

An American is not so much interested in whether "social insurance" is "insurance" or not. In this case, we are not much concerned with names. What we are concerned about, is adequate provision for American family life and proper child development. Our mothers' assistance or widows' pensions are not "insurance," but they are probably a wiser social policy than is provided by the English pay-deduction, stamp-sticking system of widows' and orphans' pensions, which probably might be called insurance. In the same way, old-age pensions are coming in this country as the public schools came—not in the form of a contributory insurance scheme, but to meet a social need according to a new American plan. This plan has operated not through a degrading, character-destroying system of giving "help to the poor" but through universal provision for those in need of the particular service to be provided. Is there any more reason for making the inadequately paid man bear the cost for his own unemployment provision from his wages than for compelling him to provide for other reasonable family needs such as education and public swimming-pools, bathing-beaches, and children's playgrounds?

We shall probably have many state schemes that are called "old age pensions" that are not insurance and are not "pensions" properly speaking, but they are a great advance over the old poor law. We shall have some state experiments making provision for the unemployed, and these will probably be "miscalled insurance." That will not disturb us if such provision is made for the unemployed as to save their homes, their self-respect, and the health and character of their children.

EMERGENCY RELIEF MEASURES IN ILLINOIS AND OHIO

THE volume of distress and the need of relief continue to challenge the resources of the state and local welfare authorities as well as the private social agencies of the country. In the Illinois legislature was passed a bill authorizing Cook County (Chicago) to issue bonds within the next biennium to an amount not greater than two million dollars for the relief of the destitute in that county. The governor allowed this one to become a law without his signature because he is committed to the doctrine that local borrowing should be authorized only after the expression of local approval through a referendum.

In Ohio, a much wider authority has been granted under what is known as the Pringle-Roberts Act, by which all the local authorities, the

cities, townships, and counties, have been authorized to borrow an amount not greater than one twentieth of their assessed valuation for this purpose. Under that act the State Department of Public Welfare must approve the application as to the existence of the need, the state taxing authority approves from the point of view of the legality of the amount claimed, while the local taxing authority determines the plans for expending these sums. This power is given the local authorities only until the end of 1931. It is hoped, however, that the legislature, which is now in special session, will extend the period to cover the coming year.

Fortunately, in the Department there is a Bureau of Local Welfare Consultation, of which the executive, Miss Leila Kinney, formerly of the Denver Department of Public Welfare and then of the United States Children's Bureau, will be able to suggest to the less effectively organized communities more effective forms of organization than have existed and better methods of work than now characterize the activities of many of the communities, few, if any of which have had to face such tasks as await them during the coming months.

WELFARE ACTIVITIES THREATENED IN RECENT STATE SURVEYS

SOME recent surveys of state government in Maine, Arkansas, New Jersey, Maryland, North Carolina, and Delaware show some tendencies with regard to social welfare activities in relation to health services that should be carefully examined.

The National Institute of Public Administration in its survey of Maine recommends a department of health and welfare with three bureaus, namely, health, welfare, and state institutional service. In Arkansas the Institute recommends a department of public welfare, also with three bureaus, called health, social welfare, and institutional supervision, which is practically the Maine plan. In this survey occurs the following significant statement (the italics are ours):

> Although groups interested in either health and welfare usually oppose very strongly the placing of these functions in the same department, there is really no conclusive argument for not doing so. In fact there is every reason to believe, judging from municipal experience, that these functions could be made to operate more effectively, if integrated in a single department. *The field services could then be used interchangeably to a considerable extent.*

The Taxpayers' Research League of Delaware employed Dr. McCombs of the National Institute to make a survey of public welfare administra-

tion in Delaware. The following statement is worth noting (again the italics are ours):

> Upon the selection of a commissioner of public welfare capable of directing the many and varied activities for which the Department of Public Welfare would be responsible, depends the success of the whole program here recommended. Since the problem of health supervision and medical care of State wards is pre-eminent in the institutional services of the State, it is our opinion *that a physician of proven executive ability, and familiar with the welfare conditions and needs of the State,* should be sought for this post.

The Institute also made a survey in New Jersey which recommends more centralized administration and a change from the department of institutions and agencies to a department of public welfare. It is interesting that a survey of North Carolina made practically at the same time by the Institute for Government Research, of Brookings Institution, recommends changing their present department of charities and public welfare to a department of institutions, emphasizing decidedly the institutional phase of public welfare work.

There are many reasons why it is important that social workers should concern themselves about public welfare administration as well as social case work! Certainly any "co-ordinating" or "combining" of public health and public welfare which means handing over welfare activities to the medical group will destroy the social work developments in the state departments.

RELIEF TRENDS IN 1931

ESTIMATES of expenditures for family relief for the first half of April, received by the Children's Bureau from 100 cities of 50,000 population and over in response to telegrams sent at the request of the President's Emergency Committee for Employment, showed some improvement over the heaviest month of the past winter but continuing heavy demands upon relief agencies. April usually shows a considerable decrease in relief expenditures, due to the opening up of certain seasonal employment and decrease in demand for fuel and clothing.

In 1929 only 10 of the 100 cities for which information was available and in 1930 only 16 of the same 100 cities reported increased relief expenditures in April, as compared with the heaviest month of the period from January to March, inclusive. Although complete figures for April, 1931, are not yet available, estimates from local authorities indicate that 19 of the 100 cities reporting April estimates had larger relief expenditures in the first half of the month than in the heaviest preceding period of

similar duration during the past winter. Eight reported about the same expenditures, making 27 cities (over one-fourth) showing an increase or no improvement. Sixty-two cities reported decreased expenditures, but in 19 of these the decrease was only 10 per cent or less. Eleven cities showed a marked decrease of more than 40 per cent.

Lack of funds, greater restriction in relief giving, pressure for economy, and other administrative changes were responsible for marked decreases in expenditures for family relief in the first half of April in 7 of the 33 cities reporting such reductions. In 9 other cities these conditions were partly responsible for the decrease.

Supplementary telegrams were sent by the Children's Bureau to 33 of the 100 cities which reported decreases of more than 20 per cent, asking for information as to reasons for the decrease.

Twenty of the 33 cities (one-fifth of the 100 reporting) showed decreases due to increased employment. In 7 of these 20 cities lack of funds or related causes were partly responsible for the decreases, while in 2 others warmer weather resulting in less demand for fuel and clothing was also a factor.

Warm weather was often mentioned as one of several reasons for decreased expenditures among the 33 cities and in 2 cities it was the only reason given. In one city payment of the bonus was held responsible for the lessened burden of family relief; in another city the reason for the decrease was not reported.

The greatest improvement was in the North and South Central states.

Illustrations of the replies received from some of the cities are as follows:

City No. 1—Middle Atlantic

"Decrease in relief partly due to warmer weather. Odd job campaign helping greatly; however many families thus temporarily helped may return if regular employment does not come. No curtailment in relief funds."

City No. 2—South Atlantic

"Expected decrease in April relief expenditures due to increased employment and decrease of certain relief items such as coal, etc."

City No. 3—North Central

"Decreased April relief largely result of temporary work in spring clean up, lessened fuel expense, also outside work opening up. Little or no improvement in factory employment."

City No. 4—North Central

"Decreased April relief due to (1) sporadic relief agencies such as or-

ganization for unemployed, (2) temporary jobs such as gardens, yards, etc., (3) less clothing and fuel demands due to weather. General industrial conditions little if any improved."

City No. 5—North Central

"Decrease in relief not due to curtailment of funds; large amount needed naturally causes tightening up. Seasonal influence affords opportunity for family adjustment, some moving back to old homes. No change in industrial employment during past three months."

City No. 6—South Central

"Decrease accounted for by passing of winter and increased employment."

City No. 7—South Central

"Chest budget cut nearly fifteen per cent in April. Employment situation better, less people out of work. No fuel needed now because of warmer weather."

ROBERT W. DE FOREST

THE work of that great public servant, Robert W. de Forest, did not come to an end with his death last month. His long period of service almost covers the history of what may be called modern social work, and his contribution has become part and parcel of the new profession that he served so generously. He was president of the National Conference of Social Work in 1903, and large numbers of those who are now regular attendants at conference sessions will remember the days when Mr. de Forest gave his time to conference programs. It is not necessary here to record his varied activities and broad interests. To many of those now active in social work, he will be remembered as one of the pioneers.

BOOK REVIEWS

Case Studies of Unemployment. Compiled by the NATIONAL FEDERATION OF SETTLEMENTS, foreword by PAUL U. KELLOGG. Introduction by HELEN HALL. Edited by MARION ELDERTON. Philadelphia: University of Pennsylvania, 1931. Pp. 425. $3.00.

This companion volume to Clinch Calkins' *Some Folks Won't Work*, which was a narrative account of the effects of unemployment during our prosperous years 1926–27, gives the 150 case records upon which the earlier book was based. As one reads case after case of futile search for work and the resulting physical deterioration, family disorganization, and terror at the uncertainty of life that persists even when a job is secured, one sees the complete failure of our present industrial system and its leadership to provide the very necessities of life that the new machines and efficiency systems are supposed to create more abundantly. More than that, one sees anarchy in our present methods of production and the unreality of the assumption that our system of individual enterprise, unaided and uncontrolled, can care for the victims of our industrial progress. The Foreword and Introduction are well done. The University of Pennsylvania group who have launched a concerted effort to understand and control unemployment are to be congratulated upon the publication of this book.

MOLLIE RAY CARROLL

UNIVERSITY OF CHICAGO

Reducing Seasonal Unemployment. By EDWIN S. SMITH. New York: McGraw-Hill Book Co., 1931. Pp. xvii+296. $4.00.

This study records the experience of industrial concerns in meeting and in reducing seasonal unemployment. It is the result of the efforts of a groups of industrial leaders who, in attempting to stabilize their own plants, have tried to find out the extent to which stabilization has been carried in American industry, the methods and the results. The findings are based upon returns from numerous industries of many types. The causes of seasonal slumps are analyzed by industry. Then the devices of pushing sales in dull seasons, creating out-of-season uses for the seasonal product, diversification of the market and of the product, advance orders, simplification of the line, budgeting of sales, and production and manufacturing in advance of orders are discussed. The conclusions in each case are not categorical but take into consideration the possibility of varying results under different conditions.

The book leaves the impression that some types of industry have gone a long

way toward solution of the problem of stabilization but that others are just beginning to experiment. We see that much that has been achieved has been due to the imagination and effort of individual entrepreneurs or groups of employers. The graphs at the beginning of the book, which show seasonal fluctuations in many industries, suggest what might be done through national planning, vocational education, and a system of public employment exchanges that, combined, could increase the mobility of labor.

M. R. C.

Fluctuation in Employment in Cleveland and Cuyahoga County, 1923–1928. By HARVEY A. WOOSTER. Multigraphed and distributed by the Department of Economics, Oberlin College, 1931. Pp. 126.

This study by Professor Wooster and his associates and students at Oberlin College is based upon statistics gathered by the State Department of Labor, the Department of Industrial Relations, and the Cleveland Chamber of Commerce. The author shows that, in the five-year period studied, increase in employment did not keep pace with growth of population, so that 18,000 persons dropped out of employment. His conclusion, after analysis of other possible causes of their disappearance, was that for the most part they had simply joined the ranks of the chronically unemployed. In two important occupational groups there was actually a decrease of employed males in the five-year period. The number of women, on the other hand, increased, and the women workers were less affected by cyclical unemployment than the men.

Analysis of hours of labor showed even more clearly the fluctuation in employment and indicated that, for the last four years studied, fluctuation had increased in violence. The facts also brought to light lack of regularity in the seasonality of fluctuations in Cleveland, perhaps because the cyclical fluctuations were so much greater in range and so frequent that they modified and submerged the "normal" seasonal periodicity. The author points out that seasonal fluctuations resulted in an even higher incidence of unemployment than his statistics indicated, since a busy season in one trade did not offset a dull season in another.

The study shows what may be done by such a group in interpreting available data, and the method as well as the facts is a contribution.

M. R. C.

Workmen's Compensation and Automobile Liability Insurance in Virginia. By CHARLES N. HULVEY and WILLIAM H. WANDEL. New York: Century Co., 1931. Pp. xiv+203. $2.25.

Students interested in the technical aspects of casualty insurance will find this a detailed survey of insurance as applied to workmen's compensation and automobile-accident liability in the state of Virginia. For the most part it is a technical discussion of the problems of underwriting, covering such problems as rate-making, expense-loading, and instalment premiums. One object of the

study is to guide legislation, and to this end it deals with some of the broader questions of social policy related to occupational diseases, state control of compensation insurance, state insurance, and compulsory automobile insurance. A different approach to questions of public policy with respect to insurance would be a study of the operation of insurance as it affects the interests of the injured person. Casualty insurance quite generally, because of inadequacy or faulty administration, has failed fully to protect the financial interests of the injured parties within the intent of the compensation of liability laws. The study deals only incidentally, and therefore quite inadequately, with this phase of accident compensation.

R. W. STONE

UNIVERSITY OF CHICAGO

Industrial Accident Prevention. By H. W. HEINRICH. New York: McGraw-Hill Book Co., 1931. Pp. x+366. $4.00.

The safety movement, examined either from the social or managerial viewpoint, is one of the most interesting and instructive developments of the twentieth century. To those interested in the conservation of human resources or in the welfare of the wage-earners, the movement has in some respects been most encouraging, in others quite disappointing. In some enterprises remarkable progress has been made in accident prevention; in most, however, the progress has been slight. The net result of twenty years of active campaigning is that accident prevention has been able only to offset the risk attending increasing mechanization, and consequently has not effected a net reduction. Despite this showing, the movement is not quiescent; interest has not lagged, as witness an attendance of seven thousand people at a safety convention last year. The last thirty years has been a period of learning by trial and error. Theories of the causes of accidents, objectives of safety work, methods of promoting safety, and responsibility for accident prevention have changed radically.

In the early years the drive behind the movement was primarily humanitarian. With increasing knowledge of costs, the economic motive has come to predominate. Enlightened managers are now convinced that they cannot afford to have accidents: "the safe plant is the most efficient"; payments for workmen's compensation are a small part of the total costs of accidents. It was commonly assumed that accidents were a function of mechanization plus managerial indifference and neglect, and in consequence the early methods introduced were mechanical safeguards and financial penalties. It is now realized that ignorance of ways and means to prevent accidents is a more important factor in the employer's attitude than indifference, and it is now known that about 90 per cent of accidents are attributable to man-failure rather than to mechanization. From reliance largely on mechanical safeguards emphasis is now placed on training. Executives and workers must be trained in safe methods of work, and a system of managerial control set up to insure the co-operation of workers and executives

in the practical application of this knowledge. In plants where the most up-to-date methods of training and control have been applied, the results in terms of accident prevention have not been disappointing, but rather give evidence that men may yet gain control over themselves as well as the machine, and that in consequence reasonably safe conditions of work may not be a chimerical dream.

The extent of our debt to insurance companies for the progress that has been made is not generally known. State industrial commissions have typically drifted into a rut of routine administration and in consequence have contributed very little to accident prevention. It is fortunate for the safety movement that the casualty insurance companies have found it so distinctly to their economic interest to reduce accident claims by taking an aggressive part in promoting safety engineering. The insurance companies provide in major part the support of the National Safety Council. They are active in promoting the work of standard safety code committees. They publish and distribute, free of charge, educational literature of high merit. They have promoted the statistical reporting of accidents. They have themselves maintained a large corps of safety engineers for consultation work. These companies, then, are largely responsible for the extension and improvement of accident prevention methods. This book by Mr. Heinrich, assistant superintendent of the Engineering and Inspection Division, the Travelers Insurance Company, is an outgrowth of the sort of accident prevention work promoted by the insurance companies.

Students familiar with the best current literature and practice in the field will find little that is new in this treatise. It does, however, bring together in convenient, manual form the best current thought on the subject. In view of the general state of ignorance of the most effective methods of accident prevention, the book can be highly recommended to executives, to academic students, and especially to those groups responsible for the formulation and administration of workmen's compensation legislation. The most important problem in safety work is the extension of effective accident prevention methods to small plants. Since insurance companies do not cover this part of the field, state industrial commissions should be made responsible. Most members of such commissions would do well to read this book.

R. W. STONE

UNIVERSITY OF CHICAGO

The Church and Industry. By SPENCER MILLER, JR., and JOSEPH F. FLETCHER. New York: Longmans, Green & Co., 1930. Pp. xiii+273. $2.50.

This is the first of a series of several volumes to be issued by the Division on Industrial Relations of the Department of Christian Service of the National Council of the Protestant Episcopal Church in the United States. The first part of the book contains a historical survey of brevity and value of the origin, aims, work, and convergence of the salient movements for social justice and reform within the Church of England, beginning with Southey, Coleridge, Carlyle, and

Shaftesbury and passing to the Christian socialism of John Ludlow, Kingsley, and Maurice, in 1848. An interesting sketch follows of the progress of such movements as the Guild of St. Matthew of Stewart D. Headlam (1877) and the Christian Social Union of Canon Scott Holland (1888) which was formed to "bear the witness of the Church of England to the principles of Divine justice and human brotherhood" with *The Commonwealth* as its organ (1895). Other organizations are cited, such as the Church Socialist League (Algernon West, 1906), the League of the Kingdom of God (1923), the Industrial Christian Fellowship (1919, Studdert Kennedy) as prologue to the pronouncements of the Lambeth Conference of bishops of 1920 on the Social Task of the Church.

With chapter iv begins a review of similar movements within the Protestant Episcopal church in the United States, such as the Church Association for the Advancement of the Interests of Labor (1887), the Christian Social Union (1891), the Society of the Companions of the Holy Cross (1884), the Church Socialist League (1911), the Church League for Industrial Democracy (1919). These efforts seem to culminate in the establishment of the Joint Commission on the Relations of Capital and Labor of the General Convention of 1901 and of the Department of Christian Social Service (1920), of which the Division of Industrial Relations, headed by Mr. Spencer Miller, Jr., is a part. The volume before us represents therefore a record of the struggle within the denomination for a definite acceptance of principle and of duty toward the Christianization of industrial relations—a record of patient, practical persistence; it offers, moreover, the results of "eighteen months of disinterested fact-finding as a foundation on which to base the Department's future policy toward labor and industry."

These results are given in the second part of the book, which deals with parochial activities in several critical fields: West Frankfurt, Illinois; Kenosha, Wisconsin; Monongahela, Pennsylvania; and Durham, North Carolina. Careful statistical studies are offered of the occupation of members of the parishes, their stake in the strikes, as employer, capitalist, or employee; the humanitarian work of the churches, the attitude and efforts of the priests. The first fact of interest is that persons of widely divergent views and interests in economic matters may amicably continue as fellow-members in a church during vexing strikes. It is also shown that even divinity students who are versed in sociology do not always become socially-minded rectors (p. 163); that a fair return on a capital investment is regarded as 6 per cent and "employers have no right to cut wages to increase dividends beyond such a fair return" (p. 178—the ethical infallibility of this dividend norm is not put in question!); that both employers and employees in some cases seem to regard religion as having nothing to do with business, religion signifying personal morality, Bible-reading and salvation; that overproduction has led to the quagmire in which the textile industry finds itself at present (p. 199). It is curious to observe how some rectors try to rationalize their "pussy-footing" toward palpably unjust, inhumane conditions by sententious utterances concerning the duty of the church to be "impartial" and

to attend to its "spiritual" functions. Nevertheless, as the conclusion states, evidence is clear and encouraging that even the aristocratic Protestant Episcopal church is making progress "toward a profound concern for the problems of social life."

The Appendix of the book reprints the resolutions of the general conferences of the church on industrial relations since 1901; and a remarkably good Bibliography on the general subject of the Christian church and industrial questions evinces the scholarly spirit and competency of the authors.

CHARLES LYTTLE

MEADVILLE THEOLOGICAL SCHOOL
CHICAGO

The Jack-Roller (Behavior Research Fund Monograph). By CLIFFORD R. SHAW. Chicago: University of Chicago Press, 1930. Pp. xv+205. $2.50.

The Growing Boy. By PAUL HANLY FURFEY, Ph.D. New York: Macmillan Co., 1930. Pp. viii+192. $2.00.

These two volumes deal with the personality development of boys. The *Jack-Roller* by Shaw is the autobiography of a delinquent youth; *The Growing Boy* by Furfey is a statistical-case study of developmental phenomena in 168 normal boys six to sixteen years of age. Both authors are sociologists, Mr. Shaw at the Institute for Juvenile Research in Chicago and Dr. Furfey at the Catholic University of America, yet their points of view and their methodologies are quite different.

Furfey set out to study "differences of behavior at different ages." Over a period of four years he took 168 boys attending "one grammar school" in the city of Washington and subjected them to various physical, mental, and social tests. He summarizes his statistics and his case studies under chapters headed "The Six Year Old," "The Eight Year Old," "The Ten Year Old," and so on, in an effort to "unfold the story of human development during the important ten-year period between age six and age sixteen . . . . a complicated story of the action and reaction of little understood forces which unite to bring around the remarkable transition from childhood to maturity."

The most interesting and significant part of Furfey's study is his work on developmental age which he says is his own term "for the progressively increasing maturity of behavior which shows itself in the child's changing interests and in his whole behavior." After the orthodox, statistical fashion he derived a standardized "pencil-and-paper test" by which he could measure developmental age (DA) and compute a developmental quotient (DQ). The scale consists of four tests—reading preferences, play interests, attitudes (as revealed by controlled association), and activity preferences. It is Furfey's contention following his summary and analysis of growth studies "that both in the case of mind and body, growth is a very complicated process and that it is uniform neither quan-

titatively nor qualitatively." It is upon this "shifting background" of a growing body and an enlarging mind, says he, that the development of personality takes place.

Dr. Furfey's study adds little to our admittedly meager knowledge of boyhood, in spite of his attempt at precise, statistical procedure. The size of his sample was obviously too small, and his cases were manifestly not a random selection. Moreover, his use of the term "development" is narrow and altogether too vague; it is in marked contrast to the more useful physiological concept of the late Bird T. Baldwin. On the other hand, the book is well written and contains a splendid, annotated bibliography.

In striking contrast to Furfey's brief case narratives is Shaw's intensive treatment of a delinquent boy's own story. Stanley—called a "jack-roller" because of his habit of stealing from drunken men—began his delinquent career at the age of six. By the time he was eighteen he had exhausted all of Chicago's resources for dealing with wrongdoers—Parental School, Detention Home, Juvenile Court, Probation, State Training School for Boys (St. Charles), State Reformatory (Pontiac), and the House of Correction. The story—about one hundred and twenty pages long—is a fascinating, well-written chronicle by the boy himself of his own criminal career.

To many readers the boy and his story will be of paramount interest. However, to Mr. Shaw the study is primarily a contribution to sociological method. In the opinion of Professor Ernest W. Burgess—whose able "Discussion" ought to have been announced on the title-page—his student, Shaw, "has perfected and rendered usable the life-history document as an instrument of scientific research." For the student of personality, "it is like a microscope, it enables him to see in the large and in detail the total interplay of mental processes and social relationships," says Burgess.

The "boy's own story" reveals three important aspects of delinquent conduct, according to Shaw: the point of the view of the delinquent, the social and cultural situation to which he is responsive, and the sequence of past experiences and situations. The author is careful to point out that the interpretation of a life-history apart from such other case material as the medical, psychological, social, and legal findings is "somewhat questionable."

The "boy's own story" as an element in case study was, of course, first used by Dr. William Healy in his now classic methodology for studying the individual delinquent. He in turn was undoubtedly influenced by the psychoanalyst's technique of oral catharsis. Dr. W. I. Thomas and Professor Burgess were also quick to see the scientific value of the method which Freud evolved for purely therapeutic purposes.

One is pleased to note Shaw's appreciation of the value of life-history data as affording "a basis for the formulation of hypotheses with reference to the causal factors involved in the development of delinquent behavior patterns." However, one is led to inquire what new concepts, processes, or hypotheses of causation are brought to light in the *Jack-Roller?* More specifically, what prob-

lems for further study, "by the formal methods of statistical analysis" or otherwise, did this microscopic view (of Stanley) reveal? It might even be asked what part of Mr. Shaw's admittedly intelligent treatment of the boy was due, differentially, to the "illumination" of the life-history document? Could not any patient, well-trained probation officer have achieved equally good results? Viewing the case from a therapeutic point of view it might be said, incidentally, that a Kraepelinian psychiatrist could easily make a diagnosis of "constitutional psychopathic inferiority" in the case of Stanley and upon such a basis predict (in spite of Mr. Shaw's stabilizing influence, the new experience of marriage, fatherhood, etc.) a regression to his basic personality pattern (i.e., running away from reality) upon the recurrence of a crisis or in the presence of a difficulty.

To Mr. Shaw and his resourceful teacher Professor Burgess, however, we are all indebted for the perfection of this constructive device for the scientific study of human personality. As a means of discovering the antecedent causes of human behavior, however, the autobiography—by whatever means elicited—is open to the same objection which can be made to any other approach which stresses one factor to the neglect of another. After all, we can never get away from the fact that human behavior is a function of two interacting variables, the organism and its environment. All attempts to study or to control human behavior, therefore, are valid only in proportion as they recognize this fundamental fact and its implications.

ARTHUR L. BEELEY

UNIVERSITY OF UTAH

The Management of Young Children. By WILLIAM BLATZ and HELEN BOTT. New York: William Morrow, 1930. Pp. xii+35. $3.00.

In *The Management of Young Children*, Dr. Blatz and Mrs. Bott approach the problem of child-training from a somewhat different point of view from that of many of the writers of current articles on child management; and instead of discussing specifically the details of training in habit formation, the book takes up the theories as well as the general methods by which such training can be effected. It may be said, however, that while the book is primarily concerned with the philosophy of child management, it is a philosophy which has grown out of long experience with children and with the problems of childhood.

The authors have divided the book into four parts: the nature of control, the physical environment, the social environment, and types of motivation. In Part I they discuss the relationship between discipline and freedom, and the means by which parents may control children without destroying the independence which is necessary for the development of the normal personality. Part II deals with the child's reactions to objects and things, and shows the important place that sensory and motor experiences occupy in the education and training of the child. This section also discusses certain constructive and destructive

tendencies which may appear in the child, and gives helpful suggestions to the parent concerning ways of dealing with such tendencies when they appear. In Part III the influence which adults, knowingly and unconsciously, exert on young children is discussed; and the effects which accepted standards of manners and morals in the family, as well as conscious discipline on the part of parents, have on the training and management of children is covered in considerable detail. This section also emphasizes the important relation which the association of children with each other in the playground or in school bears to the social adjustments that the normal child must make. The final section takes up types of motivations, and shows the development of control from the first stage, that of outer control by parents or external forces, to the mature stage, that of self-control which is regulated by the individual himself. The authors also discuss the use of reward and punishment, and the effects of success and failure in helping the young impulsive child to develop into a self-controlled adult, whose actions are purposeful and whose personality is adjusted both to his physical and social environment.

It may be well to add that the book is intended primarily for study groups, and for that reason the material as presented, as well as the discussions and case histories, are perhaps less suitable for the average parent, who is frequently unaccustomed to that approach and who is more interested in the means and problems of control than in the theory which is the basis for such control. For those parents who already have some knowledge of the problem of management, this book may be of great value in giving them a broader view of the development of the child and of his relationship to society in general. Those parents, too, who may have read *Parents and the Preschool Child*[1] by the same authors, and found it of help in the management of their children, will find in the present volume much which will be of added interest and assistance in the better understanding of the psychology of childhood.

SUSAN P. SOUTHER, M.D.

UNITED STATES CHILDREN'S BUREAU

The Adolescent: His Conflicts and Escapes. By SIDNEY I. SCHWAB, M.D., and BORDEN S. VEEDER, M.D. New York and London: D. Appleton & Co., 1929. Pp. 358. $3.00.

Adolescence appears to be a widely intriguing subject which may account for the frequent appearance of more or less repetitive books dealing with it. The present volume is no exception. It covers much the same field found in the earlier books by Richmond, Tracy, and Hollingsworth. The organization of the material is somewhat unique. The three introductory chapters by the pediatrician, Dr. Veeder, cover the general problems of physical development, athletic needs for the maturing body, and the sexual changes resulting in specific sexual urges. The discussion of sex behavior is sane and the methods suggested for

[1] See this *Review*, III, 703.

dealing with problems are practical, recognizing the guilt factor as paramount in any harm which may result from sex indulgences and emphasizing the influence of the parental accord or discord on the development of attitudes in the child.

By far the larger part of the book is by Dr. Schwab and deals with "the more complex situations presented by the adolescent in his struggle with his environment" as is stated in the preface. The material presented is organized around the theory that the adolescence difficulties are the result of conflicts with society, as exhibited in behavior toward conventional ideas, institutions and public organizations, such as the various taboos and mores, the family, the school, religion, industry, etc. The description of the actual behavior and ideation of the adolescent is good and agrees well with the descriptions of others who have written on the subject. The thesis falls short, however, in offering no suggestion of the causes of the conflict with society other than that of rigidity in the environment. Any analysis of the psychological mechanism involved is neglected. This, of course, gives a superficial note to the approach and no reliable basis on which to suggest methods of dealing with the adolescent other than the usual tenets of tolerance, less emphasis on the sinfulness of sex behavior, care for physical health, and teaching of the values of physical and social ideals.

In the chapter on "Conduct and Sex," Freudian principles relative to the theory of sex are described accurately and clearly, recognition being given to Freud's contribution to the understanding of sex conflict and to the partial lifting of the taboo around sex knowledge. Since, however, the author does not agree that sex plays a major rôle in man's conflicts, he is not willing to accept the Freudian interpretation. His neglect of all the recent psychoanalytical development, particularly the analysis of the "ego" and the "super ego," is unfortunate for this might have offered an answer to much of the material which he, himself, recognizes in his "apologia" as nebulous and difficult to make clear cut and direct.

The book has some value in describing again the various problems of adolescence, but on the whole, it is tedious because of its repetitive nature and the vagueness of the concepts, and it offers little to the person who is familiar with other literature on the subject.

MARGARET W. GERARD

UNIVERSITY OF CHICAGO

Day Schools vs. Institutions for the Deaf; a Detailed Analysis of Certain Variations in the Abilities, Environment, and Habits of Deaf Pupils, with an Evaluation of Their Effect on Educational Achievement (Bureau of Publications, Teachers College, Columbia University, Contributions to Education, No. 389). By C. C. UPSHALL. New York: Columbia University, 1930. Pp. 104. $1.50.

In this study a comparison is made of deaf pupils between twelve and seventeen years of age or older in day schools with those of the same group in the

institutions for the deaf in the United States. The study is very elaborate; and the analysis is based on the chronological age, the intelligence as measured by the educational achievement, the age at becoming deaf, the age at starting to school, the number of years in schools for deaf children, the amount of residual hearing, the occupation of the father, the nationality and the dominant language in the home. The problems that the study attempts to solve (!) are:

1. How real is the difference between the Day Schools and the Institution in each of the variables studied?
2. Are the Day Schools accomplishing more, as measured by the Pintner Educational Survey Test than the Institutions, when the children in each are made as comparable as possible?
3. What relationships exist between each of the variables and educational achievement as measured by the Pintner Educational Survey Test?
4. What are the interrelationships which exist among the variables themselves?

Before quoting the description of the procedure, a few comments are appropriate with reference to common-sense judgments on the subject. It would probably be agreed, for example, that the day schools rather than institutions would be likely to get more children whose deafness came on later, especially after the child reached the school-going age, since the discovery would often be made in connection with school work. Also that the children becoming deaf later would have had more experience in schools with normal children, would have been subjected to a greater variety of stimuli, and would respond more swiftly to those characteristic of the varied program of a day school; that the effort put forth in the schoolroom of a day school would be more continuous and greater, since in the few hours of the day-school session all that can be done for the handicapped children must be done; that, while the time during which the child in the day school is receiving formal instruction, is short, and the time, during which the child living under conditions determined in part by his handicap, is great in the institution, again the variety of experiences of the day-school pupil when not in school outweighs, in developmental influence, the experiences of the child in the institution outside the classroom. There are perhaps a number of other common-sense conclusions to which reference might be made, but attention should rather be drawn to the organization of the investigation, the procedures used, and the conclusions. It should be noted that the subject has an interest for social workers (1) because the institutions for the deaf are not infrequently included among those for whom departments of public welfare are responsible and (2) because, whether under departments of public welfare or of education, the need of the greatest possible adjustment between the handicapped individual and his community is essential if there is not to follow distress and social need. It should be noted that much has already been published on the subject of this inquiry in the *American Annals of the Deaf*.[1]

The study was really begun in 1919 by a committee of prominent educators,

[1] See Vols. LXIX–LXXXIII.

but in 1924 it was elaborated and attacked more intensively under the general auspices of the National Research Council whose agents collected the field material which covered the following points for 311 children from day schools and 1,470 from institutions: mental and educational measurements; achievements in speech and speech-reading; degree of residual hearing; physical features of public day schools for the deaf; physical features of public residential schools or institutions for the deaf; information regarding age, cause of deafness, age of deafness, nationality, age of starting to school, grade, and length of time spent in school; nationality, and language spoken most of the time at home, by the parents; the father's occupation and the mother's occupation; industrial courses offered by the schools.

As the volume is small and easily obtainable, the description of the method will be omitted here. The conclusions drawn are stated in twenty-one points including the following:

There is a difference between mental ability of Day School pupils and Institutional pupils. The Day School selects the brighter children.

Children who attend the Day Schools have, in general, a greater degree of residual hearing than children who attend the Institutions.

When the important factors of age and mental ability are made equal there is still a real difference in favor of the Day School pupils in educational achievement.

When the process of equating also equalizes the factors of residual hearing, age of starting to school, and years spent in a deaf school, the conclusion is that the chances are very great that the Day Schools are superior to Institutions in the type of education which is measured by the Pintner Educational Survey Test.

In both the Day School group and the Institutional group there is a marked curvilinear relationship between years spent in a deaf school and educational achievement. The relationship is more curvilinear in Day Schools than in Institutions. The cause of this phenomenon seemed to lie in the fact that many of the children who have attended a school for the deaf a short period of time have attended a school for normal hearing children for part of their school lives. In these schools they acquired sufficient information to make a good score on the Educational Survey Test. Those who had spent less time in the hearing school and a little more in the deaf school made a lower educational score. Then, after a certain point, number of years in a deaf school is positively correlated with educational survey score.

There is a significant positive relationship between the presence of a foreign language spoken in the home and a low educational and mental score.

In general, among the foreign group those whose parents speak Italian at home are low in mental and educational ability, while those whose parents speak Yiddish are high.

It should, of course, be noted that such a study gives a statistical basis to those asking that state funds be granted toward the maintenance by the public-school authorities of day schools for handicapped children as well as for the maintenance of institutions. But the question in an individual case as to which is better for a particular child is, of course, not "solved." For "institutions" and "day schools" are by no means identical units, and for any child the choice must be based on the special features of the institution, on the day school available, and the possible provision for the child's home life in case the

day school seems preferable. The social worker needs little evidence to the effect that other things being anything like equal, the day school is preferable for a child whether with or without good hearing.

S. P. BRECKINRIDGE

UNIVERSITY OF CHICAGO

A Systematic Source Book in Rural Sociology. Vol. I. Edited with a Preface by PITIRIM A. SOROKIN, CARLE C. ZIMMERMAN, and CHARLES J. GALPIN. Minneapolis: University of Minnesota Press, 1930. Pp. xx+645. $5.00.

This is the first of three volumes devoted to an exhaustive survey of the field of rural sociology as discussed in European, Asiatic, and American scientific literature. The material concerning "the institutional, the psychological and the mental phases of rural organization and the demographic characteristics of rural and urban populations" will occupy the second and third volumes.

As the title suggests, the volumes are composed of well-selected readings. The editors have given continuity and organization to the development of thought through the extensive use of interpretations, introductory notes, and summaries. The generous use of citations and of bibliographies gives the student valuable assistance in making more intensive investigations of the topics discussed. The lack of an index to Volume I reduces the ready accessibility of the material presented. This lack is compensated for partially by an excellent Table of Contents.

In Part I of this volume the historical development of rural sociology is systematicaly presented through selections from the works of prominent social philosophers such as Plato, Polybius, Thomas Hobbes, Adam Smith, and Benjamin Franklin. This survey shows that rural problems made their appearance long ago, and that the social philosophers formulated answers to these problems before the dawn of the nineteenth century. From ancient times rural problems have been given prominence through the development of cities. In general, the authors studied reflect an attitude favorable to agriculture and rural life.

In Part II rural social organization is discussed, with special reference to its ecological aspect, and to the differentiation, stratification, and mobility of the rural population. A final chapter deals with "Fundamental Types of Rural Aggregates." This analysis of the social organization of rural communities reflects the point of view held by Park and Burgess of the University of Chicago. Also, frequent reference is made to the more elaborate discussions of certain of these topics in the works of Pitirim A. Sorokin, especially *Social Mobility* and in *Principles of Rural-Urban Sociology* by Sorokin and Zimmerman.

The editors have adhered to their purpose to present a "world view of the sociology of rural life," pointing out, however, that "human society throughout its history—in its origins, forms, activities, processes, growth, evolution—has been so largely under the pressure of agricultural and rural forces that up to the present sociology as a science of society has virtually been the sociology of rural

life." An industrialized society with its large urban aggregates is so recent a phenomenon that the rural "habit" is still a compelling factor in life. Therefore, an understanding of rural sociology, to which this volume makes a dignified scientific contribution, is fundamental to a complete knowledge of the various aspects of the general field.

ELINOR NIMS

FLORIDA STATE COLLEGE FOR WOMEN

The Private Citizen in Public Work. By HILDA JENNINGS. London: George Allen & Unwin, 1930. Pp. 237. 6*s*.

This is an account of the children's care committee system in London, but unfortunately the author is chiefly interested in the fact that it is a system maintained largely by volunteers. The work of the so-called "care committees" which are responsible for social work in the schools is already known through the books by Miss Frere[1] and Mr. Douglas Pepler[2] on this subject. Care committee work—that is, good social work for the London schools that serve chiefly the working classes—is seen only through a cloud of "voluntary service" instead of being clearly presented on its own merits. An American sees nothing strange in participation in public social work by the ordinary private citizen. The tradition of a leisure class whose social status is injured by work for a salary happily does not exist in America as in England; and societies made up almost exclusively of volunteer workers, such as the London Charity Organisation Society, the Invalid Children's Aid Society, care committees, and so on, are almost unknown. There is much in this book about "voluntary social work" and "voluntary social workers" that an American finds it difficult to understand. Everything not supported by public funds apparently is "voluntary social work." The workers may, apparently, be salaried by a private organization and still be "voluntary." The care committees are "voluntary" because they are not salaried workers, although not connected with voluntary schools. The private citizen in public schools means merely unpaid workers who do what, in America, would be called "visiting-teacher" and "vocational-guidance" work.

Children's Care Work "includes visiting parents and persuading them to do what is best for their children, e.g., following up the school doctor's advice, helping in various ways those who apply for school meals, making arrangements for children to go to the Council's Schools for delicate children, and befriending those who are leaving school" [p. 202].

This book gives an interesting account of the development of various kinds of social service, public and private, in London, and the network of committees, agencies, inspectors, visitors, that made up organized social work in London, and particularly really extensive social services now available in the London schools.

Recruiting the 5,105 care committee members is said to be "an arduous

[1] *Children's Care Committees* (London, 1909).

[2] *The Child, the Care Committee, and the Parent* (London, 1912).

task," but how much more arduous must be the work of training this strange group for social work.

Lack of training is the greatest objection raised by the professional expert to the use of volunteers. Why, he asks, should Mrs. Jones, who knows little more of the laws of health than her neighbor, Mrs. Smith, take upon herself to advise her about her children? How can the elderly, middle-class lady whose life has been spent in household affairs and the upbringing of a family, and who knows nothing of Poor Law history, Local Government, developments in the schools, social legislation or current social theories, deal rightly with the poverty and low standards of a family of slum-dwellers? What does the retired Insurance Agent who undertakes After-Care supervision know of industrial conditions and demands? A Health Visitor, an expert trained in relief work, an official of the Ministry of Labour, would surely serve the child better by dividing the work between them than does the ignorant volunteer who attempts to meet all the diverse needs of the child and family [p. 218].

In reply, Miss Jennings describes what seem to be rather slow and uncertain training methods. The untrained recruits do, of course, in time learn at care committee and other meetings of social workers to deal very intelligently with the children. A certain number of classes, lectures, and discussions are also arranged for. Finally, Miss Jennings persists in treating the "voluntary worker" as if she had some especially rare contribution to make to social work.

Many volunteers bring to their work an experience of life and of the child which means more to London parents than technical knowledge could ever do; they are, in fact, practical experts in the problems of parenthood and family life. When this is granted, the desirability that they should be able to bring all the resources of the skilled social worker to the aid of child and family remains unquestioned. Numbers of them actually possess social experience, and have undergone a training in no way inferior to that of the paid workers. Others must depend for "background" and technique on the efforts of their fellow-workers and of the Organizer.

The only American books in the bibliography are Oppenheimer's *Visiting Teacher Movement*, De Schweinitz' *Helping People Out of Trouble*, and Sayles and Nudd's *The Problem Child in School*.

EDITH ABBOTT

UNIVERSITY OF CHICAGO

BRIEF NOTICES

The Bureau of the Census: Its History, Activities and Organization ("Institute for Government Research Service Monographs of the U. S. Government," No. 53). By W. STULL HOLT. Washington, D.C.: The Brookings Institution, 1929. Pp. x+224. $1.50.

This report is not a contribution in the statistical field. It is merely one of the series of volumes prepared to furnish information regarding the organization and activities, past as well as present, of the various government bureaus. In the present volume the history of the federal census from its establishment in 1790 to the organization of the permanent Census Bureau in 1902 is summarized in thirty pages. This period has been,

of course, already covered in the very useful volume issued as a government document[1] in 1900 by Colonel Carroll D. Wright and William C. Hunt. For the later period from 1902 to 1930 no such compendium has been available, and the review of this period (pp. 31–95) will be very useful. The various activities of the present Census Bureau, e.g., the Decennial Census, the Quinquennial Census of Agriculture, the Biennial Census of Manufactures, and the annual reports on vital statistics in the birth and death registration areas and other special census work, are conveniently reviewed. A third section deals with organization of the census office and its principal divisions.

The Rise of the Common Man, 1830–1850. By CARL RUSSELL FISH. New York: Macmillan Co., 1927. Pp. xix+391. $4.00.

This is one of the volumes in the "History of American Life Series" that has much of interest for the social worker. There is an interesting chapter on education covering the period when the ideal of universal education was only nascent. In New York, for example, there was, in 1830, no general provision for education of the masses by taxation, and a school society was spending something like $100,000 a year. The chapter on "Reform and Slavery" deals with the time when, as Professor Fish well puts it, "most reformers were interested in all reforms while specializing on some of their own." The work of Samuel Gridley Howe and Dorothea Dix is covered in a few pages, and the situation with regard to "poor farms" and prisons is briefly outlined. Temperance and woman suffrage were important reforms that were being solidly planted during these decades, and the change of emphasis from temperance to total abstinence is dealt with. The labor movement, child labor, anti-cruelty, also fall within this interesting chapter.

The Labour Year Book 1930. Issued by the General Council of the Trades Union Congress and the National Executive of the Labour Party. London: Labour Publications Department, Transport House, 1930. Pp. vii+576. 5*s.* cloth; 3*s.* 6*d.* paper.

Miss Susan Lawrence has written the Preface to the 1930 edition of this year book, and a reviewer must wish that it were possible to quote the whole of her prefatory remarks. Miss Lawrence writes as chairman of the National Executive of the Labour party, but she also writes from her intimate knowledge of the social reform movement as a member of the House of Commons and as the very able parliamentary secretary of the Ministry of Health. She outlines what she would have written had the Conservative government remained in power and then turns to the new achievements and new beginnings of the Labour government:

"The Unemployment Insurance Act, the Widows' Pensions Act, the restoration of the House Subsidy are achievements; the Coal Mines Bill is nearing completion; the administration of social services, pensions, unemployment pay, and poor law have been radically changed. These are beginnings; there are great tasks before the Party; and tasks which will test to the utmost the qualities of resolution and courage and steadfastness which have been for so many years tested in opposition. The difficulties of government are greater than the difficulties of opposition; but the difference is that those of opposition are sterile and discouraging; and those of government are fruitful

[1] U.S. Bureau of Labor, *History and Growth of the United States Census.*

and stimulating. That the present difficulties are great, who can doubt? The heritage of confusion, the vast mass of things to be cleared away, the continual hurry of time, the choice of first measures, these are no easy things. But no beginnings are easy; and this Government, as we see it now, is but the beginning of Labour rule."

What our English friends call "the social services" are dealt with in chapter viii (pp. 298–350) including local government, poor laws, widows' pensions, public health, housing, and education. Various aspects of the labour and trade situation are dealt with in different chapters, and there is a useful chapter of statistical tables and some convenient directories.

Miss Lawrence says truly that "the *Labour Year Book* needs no recommendation to the Labour Movement. It is well known to all those committee speakers and propagandists who week by week and year by year bring the knowledge of the Movement to the unconverted, and bring the members of the Party in close and living touch with the struggle of the day. It is a part, and a very important part of the campaign of enlightenment that the Party continually undertakes."

The Little Deaf Child. A Book for Parents. By JOHN DUTTON WRIGHT. New York City: Wright Oral School, 1928. Pp. 161. $1.00.

This little book gives encouraging counsel to the mother not to be despairing about her little deaf child since he can be taught to speak and be given the education of the hearing child if the mother will only face the situation promptly and intelligently. The book is really a revised edition of an earlier book *What the Mother of a Deaf Child Ought To Know*, which was translated into many languages.

The little deaf child is educationally a problem quite different from that of the little hearing child. Two important educational tasks in life, learning to speak and acquiring a working vocabulary, the little hearing child acquires before he is eight, whether he has been at school or not. It is these years from two to ten that are so precious to the little deaf child.

The author outlines the work that can profitably be done at home by untrained persons. "Deafness is merely a handicap that must be overcome, and the sooner the task of overcoming it is begun the more perfect will be the results. Delay in the acceptance of the fact and in taking the necessary steps to remove its consequences so far as they can be removed, results in the loss of precious time that will never come again."

There is a brief section on the American schools for the deaf. There are 63 public residential schools, 110 public day schools, and 19 private and denominational. The "combined" system of oral instruction and instruction by the sign language is used by most of the public residential schools. That is, "while every pupil received instruction in speaking and lip reading, the sign language, or finger spelling, or both, are used to some extent both in instruction and in general communication with the pupils and all pupils are familiar with those silent methods of communication."

However, there are, of course, many schools in which only the purely oral method is employed.

This will be a useful book for social workers, all of whom are sometimes faced with the problem of wisely advising the parents or guardian of a deaf child.

PUBLIC DOCUMENTS

The Health of the School Child. Annual Report of the Chief Medical Officer of the Board of Education for the Year 1929. London: H. M. Stationery Office, 1930. Pp. 152. 2*s*.

This report should be of special interest and importance to American social workers this year because of the danger lest the severe and prolonged depression should result in the undermining of the health of the children of this country.

In this particular report there is much about the malnutrition among English children which has resulted from the "hard times" through which Great Britain has been passing. The report notes, for example, that the incidence of malnutrition,

> particularly in those areas which have been subjected to prolonged and unprecedented industrial depression, has been a subject of particular inquiry by school medical officers. . . . . Reports from the individual stricken areas show there is but little increase in the number of definitely malnourished children, but many emphasise the fact that there is an increase in the number of children of subnormal physique, the so-called "border line" cases.

There is also said to be evidence that the results of prevailing hardship and privation are becoming more evident in certain areas among the children just entering school than among the elder children. An investigation into the nutrition and general health of the mothers and children under five in the industrial areas of South Wales and Monmouthshire finds that in certain areas the physical condition of infants and pre-school children shows impairment. The situation, however, is said, to be "one not free from anxiety, and the special measures which have been applied hitherto, cannot be relaxed without the danger of a large and rapid increase in the incidence of malnutrition."

There is an interesting statement regarding medical service to children. It is said that the schemes for providing medical treatment arose as a natural corollary to medical inspection. The result of proper inspection was to reveal

> a mass of major and minor defects, which, left uncorrected, would inevitably produce inability on the part of the child to benefit fully from school instruction, and incapacity in later years to become fit and efficient members of the community. Treatment carried out under the School Medical Serivce, therefore, is mainly prophylactic and is directed towards the removal and correction of defects, in themselves minor for the most part, but which, if untreated, might readily lead to serious and incurable conditions in later years.

The following statement is from the Medical Secretary of the British Medical Association on an Investigation into the Operation of Maternity and Child Welfare Centres and School Clinics in certain areas:

a) The work of the School Clinics is largely made up of preventive advice and the treatment of really minor ailments;

b) It is work which is, generally speaking, not catered for by the general practitioner, partly because much of it needs mainly the services of a nurse, who is not generally at his disposal, and who in any case could only be used to economic advantage if the patients were collected at a center; partly for reasons of an economic nature—the great majority of the cases I saw were such as would be very unlikely to lead the parents to incur a doctor's bill.

It is now more than twenty years that schemes for the medical treatment of school children have been developed, and the arrangements for the treatment of minor ailments such as defective vision, teeth, tonsils, and adenoids are said to be "approaching gradually but inevitably towards the state in which they will meet the requirements revealed by school medical inspection."

The school medical service in the hands of the local education authorities has been "a growing and expanding enterprise" since the passing of the act of 1907 under which the school medical service originated. The report notes that the service originated in the idea of a survey of the medical and social care of the school child,

but it has developed into what is called a Service—a national service of inspection and treatment, with various ancillary expansions necessitated by the needs of the child as revealed by survey and inspection, its "following-up" and supervision, the different forms of medical and dental treatment required, the work of the school nurse, school clinics, institutional treatment, open-air schools, nursery schools, "special" school, physical education, school meals, and so forth. All this has meant that the Authorities have had to devise and readjust an organisation much more elaborate than merely appointing a doctor and a nurse. The facts in regard to such organisation can, of course, only be studied in detail in the official report of the localities and the most that can be done in these medical Reports to the President of the Board of Education is to summarise the outstanding characteristics.

It is significant that attention is called to the fact that, with regard to the practice of preventive medicine, the School Medical Service falls short because of the failure "to press home to its logical conclusion the scientific and educational purposes of the system." For example, it is pointed out that the true purposes of the School Medical Service cannot be fulfilled in "insanitary, ill ventilated, unheated or unclean schools, lacking the elementary equipment for healthy life."

More than twenty years have elapsed since, with the passing of the Education (Administrative Provisions) Act of 1907, the School Medical Service was first established by Act of Parliament. Active interest in the physical welfare of school children had been displayed in many parts of the country for some years before the passing of this Act, and reports on certain aspects of the subject (eyesight, infectious disease, etc.) had been published in Birmingham, London and elsewhere. In 1890 a Medical Officer had been appointed by the London School Board. . . . . An Act of 1893 followed in 1899 by the Elementary Education (Defective and Epileptic Children) Act, represents the first stage in the awakening of the national conscience in their intention that

provision should be made for those children who are capable of education but cannot obtain it in the ordinary school. . . . . Abundant evidence of the physical needs of ailing and underfed school children, and of the need for a general system of medical inspection, with the possibility of remedial measures [led to] . . . . the Education (Administrative Provisions) Act of 1907, which required Local Education Authorities to provide for systematic medical inspection of all children attending school whether sick or well, and empowered them, with the Board's sanction, to make arrangements for attending to the health and physical condition of school children.

Of the ten appendixes that have been added to the report, the three that are of special interest to social workers are the admirable appendixes on "The Story of the School Medical Service", "Nursery Schools in 1930," and "Provision of School Meals."

Ten Years Social Policy in Poland, 1918–1928 (Poland, Ministry of Labour and Social Welfare). Warsaw, 1928. Pp. 72.

This pamphlet, which is based on official sources of information, has been prepared in order to set out the main lines of development of social policies in the Polish Republic. The pamphlet notes that the Ministry of Social Welfare and Labour Protection originated in the Labour Department belonging to the temporary State Council and was formally established in January, 1918. According to the document the new Ministry "set to with all possible energy to improve the conditions of the working masses." The new Ministry took over control of the following subjects: public health, "questions of public benevolence, the state protection of victims of the war, labour conditions, protection of labour, emigration, factory inspection, and, finally, the preparation of legislation for the protection of labour and social insurance." Although in the beginning this Ministry also included public health the new Ministry was not active during the period of the Council of Regents and labour questions particularly "were strictly controlled by the occupying authorities. The efforts of the community had to be limited in those days to struggling with the daily increasing poverty of the masses—a hopeless struggle in the face of the immensity of the calamity and the want of financial and material means."

An interesting statement is given of the influx of re-emigrants from Russia and also the influx of former prisoners of war from the German and Austrian army on the other side of the frontier. Among the masses of miserable people who poured into the new state were those who had at different times emigrated from Poland for the purpose of earning money. In the Polish cities, especially in Warsaw which had recently been depopulated, there began a continually increasing overcrowding.

This gave an opportunity to the house-owners to try to compensate themselves for the losses they had sustained during the war, and compelled the Government to undertake its first measures for assuring the impoverished inhabitants a roof over their heads. In the beginning the Minister of Justice was authorized to suspend sentences in cases of eviction from small dwellings. This measure proved insufficient, and in September,

1918, a temporary law was issued for the protection of lodgers—lowering the pre-war standard of rent and prohibiting the house-owners from giving their lodgers notice to leave. This was the only protective measure that was successfully carried out during the time of the occupation and which served as a starting-point for further special measures in this department.

In Poland, as elsewhere, the most urgent problem was unemployment. State Offices for the Affairs of Prisoners of War, Emigrants, and Workmen were set up immediately after the German occupation in order to facilitate the finding of employment for re-emigrants. Labour Exchanges and Public Assistance Offices were created. Public works were begun, and factories and workshops were opened.

A very interesting account is given of the Labour Exchanges and the institutions for repatriation.

Through the impoverished country thousands of war-prisoners—Austrian and German soldiers—pressed from Russia towards the western frontiers, and towards the east there poured in a crowd of Russian prisoners from the camps of the Central Powers; in Poland itself there remained a large concentration of prisoners left by the occupants—soldiers of the Coalition States and disarmed German and Austrian garrisons.

During a period of fifty days at the close of 1918 "83,000 Polish citizens were repatriated from the east and 575,000 war-prisoners of different nationalities were transported."

After the revolution in Germany

the German Government ceased hindering the Polish workmen from returning to their country, and these latter began to leave Germany in haste, abandoning for various reasons both their wages and considerable insurance sums due to them and increasing the number of people in Poland without employment or bread. The return of 700,000 civilian and war prisoners from Germany was also expected, and besides, 150,000 refugees from Russia, but this figure was much below reality. The total number of unemployed was reckoned at a million.

A vivid picture is given of the "alarming enormity of the misfortune," which was too great for any new state to deal with satisfactorily.

There is a very interesting account given of the problem of war orphans. It is pointed out that it

was found insufficient to help the fathers of families. The war had orphaned thousands of children beyond the frontier of the country, thousands of others had been torn from normal conditions of everyday life and deprived of their natural protectors. All these crowds of children had to be provided with a roof over their heads and food for their mouths. The institution which centralized efforts in this direction at first was the Chief Council of Assistance, acting in understanding with the still weak state apparatus and local institutions. In spite of all obstacles and insufficiencies at this time it was found possible to organize or extend several hundred Homes for destitute children which arose and were maintained chiefly by means of the State. The work of education was undertaken by the community; local boards and social factors as far as possible helped to cover the expenses. Of the extent of this work we may judge by the number of 20,000 children repatriated within a period of two years.

A substantial amount of system in the general work of feeding these children was undertaken by the American Relief Commission.

The pamphlet goes on to describe the beginnings of labor inspections and the development of social insurance. A sickness insurance fund was set up in 1919, and an interesting account is given of the sickness fund benefits. Unemployment insurance began with the act of 1924, which, in the beginning, applied to workmen in all kinds of industrial establishments and was extended in 1925 to nonmanual workers.

The relief problem is described under the title "Social Assistance." The chief principles in Polish regulation are:

> (1) Social assistance is an obligation towards all who need help; (2) the duty of exercising assistance is laid upon the local board unions. To the state is left the protection of persons towards whom it has special obligations (war invalids, veterans of the national insurrections, etc.).

It was found, however, that the local governments were not able to carry all their responsibility in connection with "social assistance," and co-operation of private institutions subventioned by the state was found to be the way out.

There is a chapter on the restoration of economic and social conditions. Numerous diagrams are published and a map of offices and institutions subordinate to the Ministry of Labour and Social Welfare.

Connecticut State Prison: Report of the Committee Appointed by His Excellency John H. Trumbull, Governor, To Investigate Conditions at the State Prison at Wethersfield, December 30, 1930. Hartford, 1931. Pp. 33.

Federal Penal and Correctional Institutions, Annual Report for the Fiscal Year Ending June 30, 1930 (U.S. Superintendent of Prisons). Washington, D.C.: Government Printing Office, 1930. Pp. 90.

Federal Prisoners and Penitentiaries. Hearings before the Committee on the Judiciary, House of Representatives, Seventy-first Congress, 2d session. Washington, D.C.: Government Printing Office, 1929. Pp. 32.

Federal Probation Law. Report from the Committee on the Judiciary, House of Representatives, Seventy-first Congress, second session, Report No. 92, December 21, 1929. Washington, D.C.: Government Printing Office, 1929. Pp. 11.

All reports on the subject of prison administration are matters of serious concern at the present time. We are now reaping the harvest of the post-war increase in prison sentences. The whole trend of the Baumes Law developments and the work of organizations like the Chicago Crime Commission, which holds to the old deterrent theory of punishment and a tendency toward prolonging prison sentences without regard to the effect of such sentence on the individual, has often led to overcrowding in the State Penitentiary and a long series of prison riots.

The Connecticut Committee, which was appointed by the Governor to act on his behalf "in all matters pertaining to an investigation of conditions at the Connecticut State Prison at Wethersfield," submitted a report divided into three parts as follows: "Part I deals with allegations of illegal, abusive and brutal conduct in connection with the treatment of prisoners; Part II deals generally with conditions at the prison as they now exist; Part III deals with recommendations for the improvement of conditions at the State Prison." With regard to the first point the Committee holds that "it is our conclusion, with reference to the question of illegal, brutal, unusual or inhuman treatment that any charges of this character are entirely disproved by the evidence." With regard to the present conditions the Committee regretted that a forward-looking policy "with reference to a new prison was not adopted. . . . . Apparently the large amount of money required for this ambitious project was more than the Legislature was prepared to appropriate."

The Wethersfield prison is an old one. "One of the buildings was erected in 1827; another in 1835 and few, if any, can be called modern." In spite of their antiquity the Committee thinks the building and equipment are somewhat above the average of state penitentiaries in this country. We are told that the cell blocks are "practically fireproof, with the exception of the wooden roof." The Columbus tragedy undoubtedly led the Committee to report in more detail on this point. They say that "fire extinguishers are plentifully supplied. Fire hose is placed at frequent intervals and while there is considerable wooden construction in the shops, hospital and insane quarters, all of these parts of the institution are supplied with sprinklers. . . . . So far as we can see," they report, "it would be unlikely, with intelligent handling, that there would be any loss of life in this institution in case of fire."

The accounts of the arrangements for disciplining the inmates are not pleasant reading. We are told "that the assistant deputy warden visits all the men in solitary three times a day and the prison doctor once a day. The duration of punishment ranges from three to fifteen days; and it is the rule that men are taken out of these cells every five days, given a bath and shave, and a full meal. There is no corporal punishment."

The report closes with some very conservative recommendations regarding prison management.

The last annual report of the Federal Penal and Correctional Institutions recommends some important changes in administration.

Under the reorganization law which became effective on May 14, 1930, the office of the Superintendent of Prisons became the Bureau of Prisons, the Superintendent of Prisons became the Director, and the Assistant Superintendents became the Assistant Directors of the Bureau of Prisons.

This Bureau has supervision over the care of all Federal prisoners, including those who are confined in non-Federal Institutions. The Bureau also is responsible for the supervision of former Federal prisoners who have been released on parole, and exercises a large measure of supervision over the probation officers attached to the Federal courts.

Another outstanding development was the passage of legislation organizing the new Federal Board of Parole. Parole cases were formerly heard by a separate parole board at each of the several Institutions, such board comprising the Superintendent of Prisons, or his personal representative, the head of the Institution, and the prison physician. These boards had power only to recommend parole, and their recommendations then had to be reviewed by the Attorney General, whose approval was necessary before a prisoner could be released on parole. The new board, which entered upon its duties on June 13, 1930, is responsible both for hearing applications for parole, and also for taking final action in parole cases.

A report of the Director of the Bureau of Prisons will be found in the annual report of the Attorney General for the year ending June 30, 1930. The present report comprises chiefly the reports of the heads of the five regularly established Federal Institutions for civilian prisoners under sentence of more than one year. There follows a brief account of the Federal Road Camps, which were a striking new development of the past year. Finally, there is a short analysis of statistical data concerning the Federal *long-term* prisoners, including those in non-Federal institutions. Statistics are also presented relating to Federal parole activities, and concerning the cost of operating and maintaining the Federal Penal and Correctional Institutions. A supplement to this report, to be published shortly, will present detailed statistics of Federal prisoners confined in non-Federal institutions. Such prisoners include two chief classes, those held for trial, and convicted prisoners under sentence of not more than one year.

The hearings on the federal prison system are chiefly interesting because of the testimony of Mr. Sanford Bates, the new head of the United States prison system, who made a vigorous and constructive statement regarding the needs of the United States prison system.

The report from the Committee on the Judiciary dealing with an amendment of the federal probation system is interesting because of the discussions regarding the selection of probation officers through the right kind of civil service examinations. The former superintendent of prisons, Mr. A. H. Conner, supported the plan of a probation service without civil service. He repeated the old defense of the appointment system which has so frequently tempted the judiciary to select on anything but a merit basis. Mr. Conner said:

I do not think any probation law will be a success unless the judges have the power to make their own selection of a probation officer. The judges are appointed for life, and civil service is not necessary to insure continuity in office of competent persons. The probation officer bears a peculiarly confidential relationship to the judge, is his eye in ascertaining facts outside of the record which bear upon the most solemn and delicate duty which the judge has to perform, that of pronouncing sentence, and is the right arm of the court in enforcing the conditions which the court sees fit to place upon a probationer.

Congressman LaGuardia of New York stoutly opposed the change:

The action of the committee would change the civil-service policy of the Government not only of the present but of past administrations for over 30 years. No one dares publicly proclaim the desire of returning to the spoils system, yet the constant attempts to exempt grades and classes of employees from civil-service requirements indicates a tendency on the part of some to destroy and abolish entirely the civil-service system.

Probation work is by no means in the experimental stage. A reading of the hearings on this bill will show the progress and success of probation in many of the states. The probation system was applied to the federal courts only a few years ago. The original law then provided that "probation officers who are to receive salaries shall be appointed after competitive examination held in accordance with the laws and regulations of the civil services of the United States (March 4, 1925)." A striking out of civil-service provisions from this bill destroys the protective features of civil service and takes these highly technical and professional appointees away from the requirements of proper tests and standards of qualification and throws them into the pot of political patronage.

A statement submitted by the United States Civil Service Commission is also of interest:

> Probation presents a serious responsibility and calls for a high degree of intelligence if it is to be made to function properly and usefully. While it is true that the probation system as such is no longer an experiment as applied to the Federal service, it is in the formative stage and for proper development needs to be placed in the hands and under the supervision and direction of persons whose training will insure intelligence and efficient service. To make the system a useful instrument in the administration of criminal justice in the Federal courts, definite qualifications as to ability and training, as well as character, must be required of those who seek to become probation officers.
>
> The experience of this commission, extending over a period of nearly a half century, has demonstrated fully that the merit system of appointments, based upon open competitive examinations, affords a far more satisfactory method of appointment and insures a better and more efficient class of employees than where no system of personal control is employed and appointments are subject to personal and political influence.
>
> Aside from the objections raised by those who desire to effect the appointments of individuals because of personal or political reasons, the main opposition to the application of the civil-service examinations to the employment of probation officers is based on the requirements of personal qualifications which, it is said, cannot be tested adequately by examination. Such belief is unfounded and contrary to facts.
>
> The problem of testing personal characteristics was solved some time ago by the commission, and there had been incorporated in the examination for probation officers, and made an essential part thereof, an oral test which has for its purpose the determination of the applicant's personal characteristics and address, adaptability, keenness and quickness of understanding, observation, judgment, and discretion; in general, his personal fitness for the performance of the duties of the position.
>
> No claim has been made that the persons certified by the commission lack the necessary qualifications to perform properly the duties of probation officers. One Federal judge has referred to a probation officer who was appointed from the commission's examination as "the brief jewel in our court." Such praise reflects truly the efficacy of the system which made his appointment possible. Other eligibles appointed through the commission's examinations were men of experience and doubtless their knowledge of the technique of the work will aid materially in making the Federal probation system an effective means for dealing with criminals, especially first offenders.
>
> No substitute has been found for the examination system of testing applicants for appointment as probation officers, as evidenced by requirement of examination in States in which probation is used extensively, such as New York, New Jersey, Ohio,

Wisconsin, and California. The practical application of the merit system in appointments of probation officers has been demonstrated in these States, and there appears to be no reason why the system should not be applied with equal success to the Federal service.

From the New York Court of Sessions (Edwin J. Cooley) also came a letter supporting civil service:

As all civil-service examinations must be practical in their character and relate to such matters as will fairly test the relative capacity and fitness of the person examined to discharge the duties of the position sought, the written examination given the candidates for probation officer is made up of practical questions regarding the laws relating to probation work, the duties and functions of probation officers, and the questions pertaining to the technique of probation work.

In the oral interview, which is part of every examination, the training, personality, experience, and education of the candidate are evaluated.

Civil-service examinations can insure that the probation officers shall be well-trained social workers of good personality. The fact that entirely disqualified persons have served as probation officers in jurisdictions which do not have civil-service examinations is the chief cause when probation fails to reduce delinquency.

Congressman LaGuardia also recalled to the memory of the committee

a very recent case requiring the attention of the committee when there was the uncontradicted and uncontroverted proof of a Federal judge appointing to a confidential position first his daughter, then his wife, and then another daughter. Is this judge to be intrusted with the selection and appointment of probation officers charged with most important work?

Report on Criminal Statistics (Report No. 3 of the National Commission on Law Observance and Enforcement, April 1, 1931). Washington, D.C.: Government Printing Office, 1931. Pp. 205. $0.40.

In a sixteen-page report, signed by its eleven members, the National Commission on Law Observance and Enforcement summarizes the results of its inquiry into the subject of criminal statistics in the United States and presents its recommendations relative to a desirable program for improving conditions in that field. The report is apparently based largely upon the material contained in two studies made for them and printed with their own brief document. These studies are a *Survey of Criminal Statistics in the United States*, by Professor Sam Bass Warner, and a *Critique of Federal Criminal Statistics*, by Morris Ploscowe.

It is very difficult to confine a discussion of this document to a few short paragraphs. The subject with which it deals is exceedingly complex, and controversial points arise on every page. The evidence assembled in support of the recommendations made does not seem entirely conclusive.

The subject is treated strictly from the standpoint of an interest in organized nation-wide criminal statistics. Readers of the report will get a bird's-eye view of the present situation with regard to that particular problem. To the social

worker who has engaged in any research that called for criminal statistics the announcement that such data, on a national scale, are nonexistent will not be news. But the report seems to sound a note of discouragement that the developments of very recent years seem scarcely to warrant. That is probably due in part to Professor Warner's strict limitation of his field to reports now being regularly printed in the form of pamphlets and books. He is thus immediately precluded from sharing with his readers many hopeful signs of the times in the form of statistical "set-ups" in law enforcement agencies that are just beginning to function regularly and whose current publications seem to be arousing a highly contagious interest.

While some recognition is accorded the work of the Committee on Uniform Crime Records of the International Association of Chiefs of Police, the reader will not find in this survey anything like an adequate description of the Committee's project, its accomplishments to date, and its promise of future achievements. On the other hand there is an unfortunate tendency to speak in terms of regretting the necessity of "undoing" work that has been done. Social workers prefer to think and talk in terms of co-ordinating, harmonizing, and stimulating work already under way.

The most important recommendation made is that the compilation and publication of criminal statistics should be undertaken by the federal government, working under a plan patterned after the vital statistics system. The first step would be to encourage the passage by the several states of a uniform law with respect to the gathering and transmitting of statistics of criminal justice for national purposes. The next step would be to turn over to the Bureau of the Census the responsibility for receiving the reports from the various states and compiling and publishing them for national use. Until such time as this plan can be put into operation it is recommended that the present system be continued, "whereby prison statistics are in the Bureau of the Census, police statistics are in the Bureau of Investigation of the Department of Justice, and statistics of juvenile delinquency are in the Children's Bureau."

There will be very grave doubts in the minds of persons actively engaged in law enforcement work as to the desirability of ever turning over criminal statistics to the Bureau of the Census. Too many technical questions constantly arise, too much constant supervisory work requiring professional training and experience of a high order will be essential. Whether it will be more economical, as is urged, to place this work in the Bureau of the Census where statistical experts are already available seems doubtful, since they in turn would have to call in the professional experts in the proper fields if their work were not to run into those errors so often encountered in statistics compiled for statistics' sake. It would seem just as economical to insert a few statistical experts in the federal departments already equipped with the various professional experts. The experience of England is quoted at different points in the report. But nowhere was there noted the fact that it is not England's census agency, the General Register Office, that compiles and publishes criminal statistics. The statement

was made that these statistics are issued by the Home Office, but attention was not drawn to the fact that in England the Home Office is the governmental department within whose jurisdiction lies the supervision of England's law enforcement agencies.

Professor Warner definitely recommends that the federal government should not at present attempt to obtain and publish statistics of crimes known to the police, on the ground that those now available are untrustworthy. He cites England as continually calling attention to the questionable value of such figures during many years. Nevertheless England did publish them continuously from the year 1857 on. It is not improbable that their constant publication with suitable qualifying interpretations was in itself a considerable factor in bringing them ultimately to the point that they now occupy, as worthy of credence.

The suggestion that the United States must, at this point, "do what England did and rely upon court statistcs of prosecutions as our best index of criminality" must be seriously questioned. It entirely overlooks the vast difference between the prosecution systems of England and the United States. It seems to reflect theory rather than actuality. As does a statement appearing elsewhere in the report, to the effect that court statistics are the most important because in the court is determined whether the defendants are guilty. The reader of this report should also become acquainted with Raymond Moley's *Politics and Criminal Prosecutions* if he is not already familiar with those unfortunate conditions in the United States that make it highly problematical just what percentage of actually guilty persons, arrested by police officers, ever come before the court, or what percentage of those who do so come are finally convicted of the offenses which they, in reality, committed. Lay observers who are closely watching the functioning of the machinery of criminal justice in this country will ponder for a long time before they form any definite conclusion as to whether the ignorance and poor judgment of the average police officer is so great as to make statistics built on arrests made by him less worthy of trust than those built on prosecutions finally carried on, after possible negotiations and bargaining behind closed doors.

The final value of this report may lie in the direction of putting into specific form recommendations as to lines of action that are debatable rather than conclusive.

Appended to Professor Warner's Survey is the Check List of printed reports containing statistical data which he gathered during the course of his study. In most instances a few words of description give the reader a good idea of the type of data to be found in each report. This list may be of considerable value to those seeking sources for certain kinds of information relative to crime or criminals.

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